



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

IndL

4710

9

11

7 4710.9.11



**HARVARD  
COLLEGE  
LIBRARY**













ind. fiat

MARRIAGE  
OF  
HINDU WIDOWS,

BY  
ISWARACHANDRA VIDYASAGARA.

SECOND EDITION.

CALCUTTA :

THE SANSKRIT PRESS.

1864.

9167  
47

77-8  
#272





~~IndL 4710.9.11~~

IndL 4710.9.11

HARVARD COLLEGE LIBRARY  
FROM THE ESTATE OF  
CHARLES MONTELL LANSAN  
MARCH 15, 1941

## PREFACE.

In January 1855, I published a small pamphlet in Bengali on the marriage of Hindu Widows, with the view to prove that it was sanctioned by the Sastras. To this pamphlet, replies were given by many of my countrymen. Instead of a rejoinder to each of them, I published, in October last, a second pamphlet in the same language, in which I noticed the material objections of all my Replicants.

The subject under discussion being of a nature which concerned my countrymen only, I had, as stated, published my pamphlets in Bengali and had no intention to issue an English version of them. But I was obliged to change my mind, because I found that since the publication of my pamphlets, several parties attempted to misrepresent things to the English public in Reviews and Journals. To these, I was pressed by my friends to reply, but as it appeared to me that my pamphlets met all the objections that might be urged against the legality of the marriage of Hindu widows, I thought it best to publish an English version of them, which I now lay respectfully before the English Public.

Other parties have again gone so far as to assert



that in my treatment of the subject, I have been influenced more by compassion towards the unfortunate widows of my country than by a firm belief in their remarriage being consonant to the Sastras. They have also said that to prove such consonance is an impossibility. It is true that I do feel compassion for our miserable widows, but at the same time I may be permitted to state, that I did not take up my pen before I was fully convinced that the Sastras explicitly sanction their remarriage. This conviction I have come to, after a diligent, dispassionate and careful examination of the subject and I can now safely affirm, that in the whole range of our original Smritis there is not one single Text which can establish any thing to the contrary.

The translation is neither entire nor literal. The original, having been intended for the mass of the native population, was written in a manner which would best suit their understandings. But as the English version has been prepared for a different class of Readers, I have been obliged to omit several passages in the second pamphlet to avoid repetition and occasionally to add or alter other passages, to make the translation suitable to them. For the same reason, several Chapters, which treat of comparatively unimportant points and may not be interesting to the English Public, have been altogether omitted.

## MARRIAGE OF HINDU WIDOWS.

---

Many Hindus are now thoroughly convinced of the pernicious consequences arising from the practice of prohibiting the Marriage of widows. Many are already prepared to give their widowed daughters, sisters and other relations in Marriage, and those, who dare not go so far, acknowledge it to be most desirable that this should be done.

Whether the marriage of widows is consonant to our Sastras, is a question which, a short while ago, was discussed by some of the principal Pundits of our country. But, unfortunately, our modern Pundits, carried away, in the heat of controversy, by a passion for victory, become so eager to maintain their respective dogmas that they entirely lose sight of the subject they are investigating ; and hence there is no hope of arriving at the truth of any question by convening an assembly of Pundits and setting them to debate on it. At the discussion above alluded to, each party considered itself victorious and its antagonist foiled. It is easy, therefore, to conceive how the question was decided. In fact, nothing was settled as to the point at issue. One great object, however, has



been gained, and that is that most people, since that period, have been extremely anxious to ascertain the truth of this matter. Perceiving this eagerness I have been led to enquire into the subject ; and, in order to lay before the public at large the result of my enquiries, I publish this treatise in the vernacular language of the country : so that after an impartial examination the Hindu public may judge whether the marriage of widows ought to be practised or not.

In entering upon this enquiry we should, first of all, consider that, since the marriage of widows is a custom which has not prevailed among Hindus for many ages, in seeking to give our widows in marriage we propose an innovation and are bound to shew that the custom is a proper one ; for if it be otherwise, no man, having any regard for religion, would consent to its introduction. It is, therefore, highly necessary to establish first the propriety of this custom. But how is this to be done ? By reasoning alone ? No. For it will not be admitted by our countrymen that *mere* reasoning is applicable to such subjects. The custom must have the sanction of the Sastras ; for in matters like this, the Sastras are the paramount authority among Hindus, and such acts only as are conformable to them are deemed proper. It must, therefore, first be settled, whether the marriage of widows is a custom consonant or opposed to the Sastras.

At the very outset of the enquiry as to whether the marriage of widows is consonant or opposed to our Sastras, we find it necessary to decide what are those

Sastras, the sanction or prohibition of which will determine the propriety or impropriety of the practice. Certainly, Vyakarana (Grammar), Kavya (Poetry), Alankara (Rhetoric), Darsana (Philosophy) and the like are not Sastras of this kind. It is only the works known as Dharma Sastras, that is to say, the works comprising the whole body of ceremonial and religious observances, moral duties, and municipal law, that are every where regarded as the Sastras to be referred to in deciding such questions.

In the first chapter of the Yajnavalkya-Sanhita there is an enumeration of what are called the Dharma Sastras ; namely,

मन्वदिविष्णुहारीतव्यासवल्कीशमोदकृताः ।

ब्रह्मपुत्रसम्बन्धीः कात्यायनहस्त्यौ ।

पराशरव्यासशुक्लिखिता दक्षगोतमौ ।

शातताप्यो वशिष्ठश्च धर्मशास्त्रप्रणेजकाः ॥

“ Manu, Atri, Vishnu, Harita, Yajnavalkya, Usana, Angira, Yama, Apastamba, Sanbarta, Katyayana, Vrihaspati, Parasara, Vyasa, Sankha, Likhita, Daksha, Gotama, Satatapa, and Vasishtha are the authors of the Dharma Sastras.”

The Sastras promulgated by these Rishis (Sages) are the Dharma Sastras.\* The people of India (Hindus) observe those Dharmas (duties) which are enjoined in these Sastras ; and acts are considered proper or impro-

\* Besides these, the Sastras promulgated by Narada, Baudhayana and fourteen other Rishis are also reckoned as Dharma Sastras.





per according as they are consonant or opposed to these Dharma Sastras. Hence the marriage of widows will be countenanced, if conformable, and repudiated, if repugnant, to the Dharma Sastras.

Now it is to be considered whether all the Dharmas inculcated in all the Dharma Sastras are to be observed in all the Yugas (Ages). There is a solution of this question in the first chapter of the Dharma Sastra of Manu :

अने कृतवने धर्मास्तेषां द्वापरेऽपरे ।

अने कश्चिदने मया बुगुह्यावामुच्यतः ॥

“Human power decreasing according to the Yugas, the Dharmas of the Satya Yuga are one thing, those of the Treta another ; the Dharmas of the Dwapara are one thing, those of the Kali another.”

That is to say, the Dharmas, which the people of prior Yugas practised cannot now be observed by the people of the Kali Yuga, because human power decreases in every successive Yuga. Men of the Treta Yuga had not the power of observing the Dharmas of the Satya Yuga, those of the Dwapara could not observe the Dharmas of either the Satya or Treta Yuga, and those of the Kali Yuga lack strength to follow the Dharmas of the Satya, Treta or Dwapara Yuga.

It clearly appears, then, that the people of the Kali Yuga are unable to practise the Dharmas of the past Yugas ; and the question arises what are those Dharmas

which the people of the Kali Yuga are to observe. In the Dharma Sastra of Manu it is merely stated that there are different Dharmas for the different Yugas ; but the Dharmas peculiar to the different Yugas have not been specified. Neither in the Dharma Sastras of Atri, Vishnu, Harita and others mention is made of these different Dharmas. Certain Dharmas are indeed inculcated in these Dharma Sastras ; but it is difficult to determine the Dharmas which, owing to the decrease of human power in successive Yugas, are appropriate to each Yuga. It is in the Parasara Sanhita only that there is an assignment of the Dharmas peculiar to the different Yugas. Thus it is mentioned in the first chapter of the Parasara Sanhita :

कते ह नामवा धर्मास्तेषां गौतमाः स्मृताः ।

द्वापरे ब्राह्मणविहिताः कश्चो पादामराः स्मृताः ॥

“The Dharmas enjoined by Manu are assigned to the Satya Yuga ; those by Gotama to the Treta ; those by Sankha and Likhita to the Dwapara ; and those by Parasara, to the Kali Yuga.”

That is, the people of the Satya, Treta and Dwapara practised the Dharmas prescribed by Manu, Gotama, and Sankha and Likhita respectively ; and the people of the Kali Yuga are to observe the Dharmas prescribed by Parasara. It is clear, therefore, that as Parasara has

\* It may be asked if the Dharma Sastras promulgated by Manu alone were to be followed in the Satya Yuga, that of Gotama alone in the Treta, that of Sankha and Likhita alone in the Dwapara and that of



prescribed the Dharms of the Kali Yuga, the people of the Kali Yuga ought to follow the Dharms prescribed by him.

On observing how the Parasara Sanhita opens, there will not remain the shadow of a doubt that its sole object is to promulgate the Dharms of the Kali Yuga.

अथातो हिमयैवाये देवदावनासवे ।  
 व्यासमेवापमासीनमप्रकृष्यतः पुरा ॥  
 मानुषाणां कृतं धर्मं वर्तमाने कसौ युगे ।  
 श्रीवाचार्चं वचावच्च वद सत्यपतीकृत ॥  
 तच्छ्रुत्वा कविवाक्यस्तु सप्रियोऽन्तर्यसन्निभः ।  
 प्रत्युवाच महातेजाः श्रुतिस्मृतिविशारदः ॥  
 नचाहं सर्वतत्त्वज्ञः कथं धर्मं वदाम्यहम् ।  
 अस्मत्सितैव प्रहस्य इति व्यासः सुतोऽवदत् ॥  
 ततस्ते कथयः सर्वे धर्मतत्त्वार्थकाङ्क्षिणः ।  
 क्वचिं व्यासं पुरस्कृत्य गता वदरिक्कामनम् ॥  
 नामाहवचनाकीर्णं फलपुष्पोपशोभितम् ।  
 गदीप्रसूतव्यासीर्णं पुष्पतीर्णं वदहम् ॥  
 कनकपद्मिनाम्बुजं देवतावतनाडितम् ।  
 वचनमन्त्रविज्ञैश्च कृत्यगीतवमाकुचम् ॥  
 रुक्मिण्युविशमानभ्ये मङ्गिपुलं पराशरम् ॥

Parasara alone in the Kali Yuga, when all the Dharma Sastras composed by the other sages to be observed. But this question admits of an easy solution. The Dharma Sastras of Manu, of Gotama, of Sankha and Lakṣhita and of Parasara are peculiar to the Satya, Treta, Dwapara and Kali respectively and such parts of the other Dharma Sastras as are not at variance with those prominent Sastras are to be followed in those Yugas.

सुखासीनं महात्मानं मुनिमुख्यगयाहृतम् ॥  
 कृताञ्जलिपुटो भूत्वा व्यासस्तु कविभिः सह ।  
 प्रदक्षिणाभिवादेनैव स्तुतिभिः समपूजयत् ॥  
 अथ वन्द्यमनसा पराशरमहामुनिः ।  
 आह सुखगतं मूढीत्यासीनो मुनिपुङ्गवः ॥  
 व्यासः सुखगतं ये च कथयन्तु समन्ततः ।  
 कुशलं कुशलेषु क्त्वा व्यासः प्रकृत्यतः परम् ॥  
 यदि जानासि मे भक्तिं स्नेहादा भक्तवत्सल ।  
 धर्मं कथय मे तात अमुप्याहो ह्यहं तव ॥  
 अता मे मानवा भर्ता पाशिताः कायपाकषा ।  
 गर्भेवा गौतमाश्चैव तथा चौयमहाः स्मृताः ॥  
 अनेर्विष्णोश्च सर्वर्ताः दाया आङ्गिरसाक्षरा ।  
 यातातपाश्च हारीता वाङ्मयव्यजताश्च ये ॥  
 कात्यायनकृताश्चैव प्राचेतसकृताश्च ये ।  
 आपस्तम्बकृता धर्माः शङ्खस्य सिधितस्य च ॥  
 अता ह्येते भवन्त्योक्ताः श्रुतार्था मे न विस्मृताः ।  
 अस्मिन्मन्त्रन्दरे धर्माः कृतमेतादिके युगे ॥  
 सर्वे धर्माः कृते जाताः सर्वे नष्टाः कसौ युगे ।  
 चातुर्वर्ण्यवमाचारं किञ्चित् साधारणं वद ॥  
 व्यासवाक्यावधाने तु मुनिमुख्यः पराशरः ।  
 धर्मस्य निर्ययं प्राह मूढः स्मृत्युच विवरात् ॥

"In times of yore some Rishis thus addressed Vyasadeva :  
 Declare to us, oh son of Satyavati ! what are the Dharms  
 and Acharas (practices) beneficial to men in the Kali Yuga.  
 Vyasadeva, on hearing these words of the Rishis, said as I





know not the truth of all things how shall I declare the Dharma. My father should be consulted on the subject. Then the Rishis, accompanying Vyasadeva, arrived at the retreat of Parasara. Vyasadeva and the Rishis, with joined palms, circumambulated, saluted and glorified Parasara. The great Rishi Parasara having welcomed them with a joyous heart and made enquiries, they informed him of their own welfare. After which Vyasadeva said, Oh Siro ! I have heard from you, the Dharma peculiar to the Satya, Treta and Dwapara as prescribed by Manu and others ; what I have heard, I have not forgotten. All the Dharmas originated in the Satya Yuga, all of them have expired in the Kali Yuga. Declare, therefore, some of the common Dharmas of the four varnas (castes). On the conclusion of Vyasa's speech, the great Rishi Parasara began to declare the Dharmas in detail."

At the commencement of the 2nd chapter also of the Parasara Sanhita, there plainly appears a resolution to speak the Dharmas peculiar to the Kali Yuga. Thus :—

अतः परं बहुशास्त्रं धर्माचारं कथौ ब्रूये ।  
धर्मं चाधारणं प्रकथं चातुर्वर्ण्यं च नामतम् ॥  
चंद्रवक्त्राव्युहं पूर्णं पराशरपत्नी बवा ॥

" Now, I shall declare the Dharmas and Acharas to be practised by a Grihastha (Householder) in the Kali Yuga. I shall first declare the practicable Dharmas common to the four varnas (castes) and Asramas (orders) as taught by Parasara."

After all this, it can neither be denied nor questioned that the Parasara Sanhita is the Dharma Sastra of the Kali Yuga.

Now, it should be enquired, what Dharmas have been enjoined in the Parasara Sanhita for widows. We find in the 4th chapter of this work the following passage :—

नटे च ते प्रव्रजिते स्त्रीषु च पतिते पतौ ।  
यस्यैवापन्नं नारीणां पतिरन्यो विधीयते ॥  
च ते भर्तारं वा नारी ब्रह्मचर्यं व्यवसिता ।  
वा च ता कर्मते स्वर्गं ववा ते ब्रह्मचारिणः ॥  
तिस्रः कोट्योऽर्धकोटी च वानि सोमानि मानवे ।  
तावत् कालं वसेत् स्वर्गं भर्तारं वा मुन्यति ॥

" On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent or on his degradation—under any one of these five calamities, it is canonical for women to take another husband. That woman, who on the decease of her husband observes the Brahmacharya (leads the life of austerities and privations), attains heaven after death. She, who burns herself with her deceased husband, resides in heaven for as many Kalas or thousands of years as there are hairs on the human body or thirty-five millions."

Thus it appears that Parasara prescribes three rules for the conduct of a widow ; marriage, the observance of the Brahmacharya and burning with the deceased husband. Among these, the custom of concretion has been abolished by order of the ruling authorities ; only



two ways, therefore, have now been left for the widows ; they have the option of marrying or of observing the Brahmacharya. But in the Kali Yuga, it has become extremely difficult for widows to pass their lives in the observance of the Brahmacharya and it is for this reason, that the Philanthropic Parasara has, in the first instance, prescribed marriage. Be that as it may, what I wish to be clearly understood is this—that as Parasara plainly prescribes marriage as one of the duties of women in the Kali Yuga under any one of the five above enumerated calamities, the marriage of widows in the Kali Yuga is consonant to the Sastras.

It being settled that the marriage of widows in the Kali Yuga is consonant to the Sastras, we should now consider whether the son born of a widow on her re-marriage, should be called a Paunarbhava.\* There is a solution of this question in the Parasara Sanhita itself. Twelve different sorts of sons were sanctioned by the Sastras in the former Yugas, but Parasara has reduced their number to three for the Kali Yuga. Thus :

पौत्रः पौत्रः पौत्रः दत्तः कृत्रिमः सुतः ।

“The Aurasa (son of the body or son by birth), the Dattaka (son adopted), and the Kritrima (son made).”†

\* A son born of a woman married a second time. In the prior Yugas the Paunarbha was considered as an inferior sort of son.

† In the Text there appears an enumeration of four different sorts of sons, but *Nanda Pandita* in his *Dattaka Mimamsa*, has, by his interpretation of this passage, established that there are only three different sorts of sons in the Kali Yuga, the son of the body, the son adopted and the son made. I have followed his interpretation.

Parasara, then, ordains three different sorts of sons in the Kali Yuga, the son by birth, the son adopted, and the son made ; and makes no mention of the Paunarbhava. But as he has prescribed the marriage of widows he has, in effect, legalized the son born of a widow in lawful wedlock.

Now, the question to be decided is, whether this son should be called Aurasa (son of the body), Dattaka (son adopted), or Kritrima (son made). He can neither be called Dattaka nor Kritrima, for the son of another man, adopted agreeably to the injunctions of the Sastras is called Dattaka or Kritrima according to the difference of the ritual observed during the adoption. But since the son begotten by a man himself on the widow to whom he is married, is not another's son, he can be designated by neither of those appellations. The definitions of Dattaka (son adopted) and Kritrima (son made) as given in the Sastras, cannot be applied to the son begotten by a man himself on the widow married to him, but he falls under the description of the Aurasa (son by birth). Thus:—

माता पिता वा दद्यातां वसतिः पुत्रमापदि ।

सहस्रं प्रीतिचंयुक्तं च सेवो दत्तः सुतः ॥

“The son given, according to the injunctions of the Sastras, by either of his parents, with a contented mind, to a person of the same caste, who has no male issue, is the Dattaka (son adopted) of the donee.”

सहस्रं प्रीतिचंयुक्तं च सेवो दत्तः सुतः ॥

पुत्रं पुत्रपुत्रेयं च विचेष्ट्य कृत्रिमः ॥



"He, who is endowed with filial virtues and well acquainted with merits and demerits, when affiliated by a person of the same class, is called Kritrima (son made)."

ये चेने संसृतावान् स्वमुत्पादयेद् वम् ।  
तन्मौदर्यं विजानीयात् पुत्रं प्रजनकस्त्वितम् ॥

"Whom a man himself has begotten on a woman of the same class, to whom he is married, know him to be the Aurasa (son of the body) and the first in rank."

The indicia of an Aurasa (son by birth) as above set forth, apply therefore, with full force to the son begotten by a man himself on a widow of the same class to whom he is wedded.

Since the Parasara Sanhita prescribes the marriage of widows and out of twelve legalizes only three sorts of sons in the Kali Yuga ; since the indicia of the Dattaka (son adopted), and of the Kritrima (son made), do not apply to the son born of a widow in lawful wedlock, while those of the Aurasa (son by birth), apply to him with full force, we are authorized to recognize him as the Aurasa or the son of the body. It can by no means be established that Parasara intended to reckon the son of a wedded widow in the Kali Yuga as a Paunarbhava by which name such a son was designated in the former Yugas ; and had it been necessary to give him the same designation in the Kali Yuga, Parasara would certainly have included the Paunarbhava in his enumeration of the different

\* Manu Ch. IX.

sorts of sons in the Kali Yuga. But far from this. The term Paunarbhava is not to be found in the Parasara Sanhita. There can be no doubt, therefore, that in the Kali Yuga, the son begotten by a person himself on the widow to whom he is wedded, instead of being called Paunarbhava, will be reckoned as the Aurasa.

It being settled by the arguments above cited, that the marriage of widows in the Kali Yuga is consonant to the Sastras, we should, now, enquire whether in any Sastras, other than the Parasara Sanhita, there is a prohibition of this marriage in the Kali Yuga. For it is argued by many that the marriage of widows was in vogue in the former Yugas, but has been forbidden in the Kali Yuga. It should be remembered, however, that in the Parasara Sanhita the Dharmas, appropriated to the Kali Yuga only, have been assigned and among those Dharmas the marriage of widows has been prescribed in the clearest manner. It can, therefore, never be maintained that widows have been forbidden to marry in the Kali Yuga. Under what authority this prohibitory dogma is upheld, is a secret known only to the prohibitionists.

Some people consider the texts of the Vrihannaradiya and Aditya Puranas, quoted by the Smartha Bhatta-charya Raghunandana in his article on marriage, as prohibitory of the marriage of widows in the Kali Yuga. Those texts are, therefore, cited here with an explanation of their meaning and purport.





## Vrihannaradiya Purana.

समुद्रवासास्त्रीकारः समस्तपुत्रविधारणम् ।

द्विजानामवस्थां कन्यासूयवमस्तथा ।

देवरेण सुतोत्पत्तिर्मुपपन्नं यथोर्वधः ।

मांसादनं तथा चाग्ने वानप्रस्थाश्चमस्तथा ।

दत्तावाञ्छैव कन्यायाः पुनर्दानं परस्म्य च ।

दीर्घकाचं ब्रह्मचर्यं नरमेधाश्चमेधको ।

महाप्रस्थानमननं गोमेधश्च तथा मखम् ।

इमान् धर्मान् कश्चिदने यज्ज्ञानाहुर्मनीषिणः ॥

"Sea voyage ; turning an ascetic ; the marriage of twice-born men with damsels not of the same class ; procreation on a brother's wife or widow ; the slaughter of cattle in the entertainment of a guest ; the repast on flesh-meat at funeral obsequies ; the entrance into the order of a Vanaprastha (hermit) ; the giving away of a damsel, a second time, to a bridegroom, after she has been given to another ; Brahma-charya continued for a long time ; the sacrifice of a man, horse, or bull ; walking on a pilgrimage till the Pilgrim die, are the Dharmas the observance of which has been forbidden by the Munis (sages) in the Kali Yuga."

Nowhere in these texts can any passage be found forbidding the marriage of widows. Those, who try to establish this forbiddance on the strength of the prohibition of "the giving away of a damsel, a second time, to a bridegroom, after she has been given to another", have misunderstood the real purport of this passage. In former times, there prevailed a custom of marrying a

damsel, who has been betrothed to a suitor, to another bridegroom when found to be endued with superior qualities. Thus :

सकत् प्रदीयते कन्या इदं चां चौरदण्डभात् ।

दत्तामपि इरेत् पुनर्दात् चेन्वाग्नेहर आगमेत् \* ॥

"A damsel can be given away but once ; and he, who takes her back after having given away, incurs the penalty of theft : but even a damsel given may be taken back from the prior bridegroom, if a worthier suitor offer himself."

The Vrihannaradiya Purana alludes only to the prohibition of the custom, prevailing in the former Yugas and sanctioned by the Sastras, of marrying a girl betrothed to one person, to a worthier suitor. It is absurd, therefore, to construe the prohibition into a forbiddance of the marriage of widows in the Kali Yuga. Nor is it reasonable to understand this text of the Vrihannaradiya Purana, by a forced construction, as prohibitory of such marriage, while the plainest and the most direct injunction for it is to be found in the Parasara Sanhita.

## Aditya Purana.

दीर्घकाचं ब्रह्मचर्यं धारयन् समस्तपुत्रोः ।

देवरेण सुतोत्पत्तिर्दत्ता कन्या प्रदीयते ॥

कन्यानामवस्थां विवाहश्च द्विजाविभिः ।

आतताविद्विजाग्र्याणां धर्म्यपुत्रेण हिंसनम् ॥

वानप्रस्थाश्चमस्तथा प्रवेगो विधिदेहितः ।

इतस्तथावाग्नेयसमवसोचनं तथा ॥

\* Yajurveda Sanhita. Ch. I.



मावक्षितविधानं विमाणां मर्यादामिव ।  
 संवर्गदोषः पापेषु मनुष्येण यथोक्तः ॥  
 दत्तौरसेतरेषां पुत्रत्वेन परिपद्यते ।  
 यूहेषु दासगोपायकृत्तमिमांसीरिवाम् ॥  
 भोज्यान्नाद्यं मृदुखाद्यं तीक्ष्णैर्वानिहृतम् ।  
 आह्वय्यादिषु यूहेषु पक्वादिभिरपि च ।  
 अन्नमिषदनैव हस्त्रादिभिर्युज्यते तथा ॥  
 यतानि लोकगुणार्थं कथेदादौ महात्मनिः ।  
 निवर्तितानि कर्माणि व्यवस्थापूर्वकं बुधैः ॥

"Leng continued Brahmacharya ; turning an ascetic ; procreation on a brother's wife or widow ; the gift of a girl already given ; the marriage of the twice-born men with damsels not of the same class ; the killing of Brahmanas, intent upon destruction, in a fair combat ; entrance into the order of a Vanaprastha (hermit) ; the diminution of the period of Asaucha (impurity) in proportion to the purity of character and the extent of erudition in the Vedas ; the rule of expiation for Brahmanas extending to death ; the sin of holding intercourse with sinners ; the slaughter of cattle in the entertainment of a guest ; the filiation of sons other than the Dattaka (son adopted) and the Aurasa (son by birth) ; the eating of edibles by a Grihastha (Householder) of the twice-born class, offered to him by a Dasa, Gopala, Kulamitra and Ardhasiri of the Sudra caste ; the undertaking of a distant pilgrimage ; the cooking of a Brahmana's meat by a Sudra ; falling from a precipice ; entrance into fire ; the self dissolution of old and other men —these have been legally abrogated, in the beginning of the

Kali Yuga, by the wise and magnanimous, for the protection of men. "

Nowhere also in these texts can any passage be found prohibiting the marriage of widows. That the interdict of the "gift of a girl already given," cannot be construed into such a prohibition, has already been shewn in examining a similar interdictory passage in the Vrihannaradiya Purana.

Some people say, that the prohibition of the filiation of sons other than the Aurasa (son by birth) and the Dattaka (son adopted) in the Aditya Purana leads to the forbiddance of the marriage of widows. They argue in the following manner,— In the former Yugas, the sons of widows, born in wedlock, were called Paunarbhavas ; now, as there is a prohibition to filiate any other sons in the Kali Yuga except the Aurasa (son by birth) and the Dattaka (son adopted), this prohibition extends to the filiation of the Paunarbhava : the object of marriage is to have male issue ; but if the filiation of the Paunarbhava begotten on a wedded widow be interdicted, the marriage of widows is necessarily interdicted.—This objection appears, at first sight, rather strong and, in the absence of Parasara Sanhita, would have succeeded in establishing the prohibition of the marriage of widows. But they, who raise this objection, have not, I believe, seen the Parasara Sanhita. It is true, indeed, that in the former Yugas, the son of a wedded widow was called Paunarbhava ; but from what I have argued above in respect of the application of the term Paunarbhava to



the son of a wedded widow in the Kali Yuga, it has been already decided that the distinction between a Paunarbhava and an Aurasa has been done away with. If then the son, born of a widow in lawful wedlock, instead of being called a Paunarbhava, be reckoned as Aurasa in the Kali Yuga, how can the prohibition, in the Kali Yuga, of the filiation of sons other than the Aurasa and Dattaka lead to the interdiction of the marriage of widows in the Kali Yuga ?

It will now appear from the manner, in which I have expounded the spirit of the above quoted Texts of the Vrihannaradiya and Aditya Puranas, that they do not prohibit the marriage of widows in the Kali Yuga. But if the prohibitionists, not satisfied with the explanation, contend against the consonancy of this marriage to the Sastras, by citing the above Texts as prohibitory of the marriage of widows, we have then to consider the following question : The marriage of widows is enforced in the Parasara Sanhita, but interdicted in the Vrihannaradiya and Aditya Puranas ; which of them is the stronger authority ? That is, whether, according to the injunction of Parasara, the marriage of widows is to be considered legal, or, according to the interdiction of the Vrihannaradiya and Aditya Puranas, it is to be held illegal.

To settle this point, we should enquire what decision the authors of our Sastras have come to in judging of the cogency of two classes of authorities, when they differ from each other. The auspicious Vedavyasa has, in his own institutes, settled this point, Thus :—

अतिस्मृतिपुराणानां विरोधी बल इत्युच्यते ।  
तत्र श्रीमत् प्रजापत्येन तदोर्वेधे स्मृतिर्विदा ॥

“Where variance is observed between the Veda, the Smriti and the Purana, there the Veda is the supreme authority : when the Smriti and the Purana contradict each other, the Smriti is the superior authority.”

That is, when the Veda inculcate one thing, the Smriti another and the Purana a third, what is then to be done ? which Sastra is to be followed ? Men ought to regard all the three as Sastras, and if they follow only one of them, they disregard the other two ; and by a disrespect of the Sastras they incur sin. The auspicious Vedavyasa, therefore, has settled the point, by declaring that when the Veda, the Smriti and the Purana are at variance with each other, then we should, instead of following the injunctions of the latter two, act up to those of the former ; and in the event of a contradiction between the Smriti and the Purana, we should, instead of following the ordinances of the latter, act up to those of the former.

Mark now, in the first place, that from the above exposition of the Vrihannaradiya and Aditya Puranas, they do, by no means, appear to prohibit the marriage of widows : secondly, if by any forced construction, they can be made to imply such a prohibition, then there arises a palpable contradiction between the Vrihannaradiya and Aditya Puranas, and the Parasara Sanhita. The Parasara Sanhita prescribes, and the Vrihannaradiya and



Aditya Puranas interdict, the marriage of widows in the Kali Yuga. The Parasara Sanhita is one of the Smritis, while the Vrihannaradiya and Aditya Puranas are Puranas. The author of the Puranas himself ordains, that when the Smriti and the Purana differ from each other, the former is to be followed in preference to the latter. Hence, even if the Texts of the Vrihannaradiya and Aditya Puranas were made to imply a prohibition of the marriage of widows in the Kali Yuga, we should, in spite of it, follow the positive injunction for the marriage of widows in the Parasara Sanhita.

It can now be safely concluded that the consonancy of the marriage of widows to our Sastras has been indisputably settled. A fresh objection, however, may now arise that though the marriage of widows be sanctioned by our Sastras, yet being opposed to approved custom, it should not be practised. To answer this objection, it should be enquired in what case is approved custom to be followed as an authority. The Auspicious Vasishtha has settled this point in his institutes. Thus :

योजे मेव वा विहितो धर्मः ।  
नदधाने विहायतः प्रमादम् ॥

"Whether in matters connected with this or the next world, in both cases, the Dharmas inculcated by the Sastras are to be observed : where there is an omission in the Sastras, there approved custom is the authority."

That is, men should observe those duties which have been inculcated by the Sastras ; and in cases where the

Sastras prescribe no rule or make no prohibition, but at the same time a practice, followed by a succession of virtuous ancestors, prevails, then such practice is to be deemed equal in authority to an ordinance of the Sastras. Now, as there is in the Parasara Sanhita a plain injunction for the marriage of widows in the Kali Yuga, it is neither reasonable nor consonant to the Sastras to consider it an illicit act, merely because it is opposed to approved usage ; for it is ordained by Vasishtha that approved custom is to be followed only in cases where there is an omission in the Sastras. It is, therefore, indisputably proved that the marriage of widows, in the Kali Yuga, is, in all respects, a proper act.

An adequate idea of the intolerable hardships of early widowhood can be formed by those only whose daughters, sisters, daughters-in-law and other female relatives have been deprived of their husbands during their infancy. How many hundreds of widows, unable to observe the austerities of a Brahmacharya life, betake themselves to prostitution and feticide and thus bring disgrace upon the families of their fathers, mothers and husbands. If the marriage of widows be allowed, it will remove the insupportable torments of life-long widowhood, diminish the crimes of prostitution and feticide and secure all families from disgrace and infamy. As long as this salutary practice will be deferred, so long will the crimes of prostitution, adultery, incest and feticide flow on in an ever increasing current—so long will family stains be multiplied—so long will a widow's agony blaze on in fiercer flames.





In conclusion, I humbly beseech the public to attend to these circumstances, and after having duly weighed all that have been said respecting the consonancy of the marriage of widows to the Sastras, to decide whether the marriage of widows should or should not prevail ?

---

## MARRIAGE OF HINDU WIDOWS.

---

### THE REJOINDER.

---

When the question of introducing the practice of the Marriage of Widows was first laid before the Community, I had strong apprehensions that it would be regarded with contempt ; that the very title and purport of the work, which I published on the subject, would be a drawback to its attentive perusal and that consequently my labour would be thrown away. But I was agreeably disappointed to find the public so eager to obtain the work, that, shortly after its publication, and in less than a week, its first impression, consisting of two thousand copies, was entirely exhausted. I was encouraged to make a second impression of three thousand copies, which also was nearly exhausted in a very short time. I consider myself amply rewarded for all my labours and pains by this manifestation of eagerness on the part of the public.

It is a great satisfaction to me that many persons, both mere men of the world as well as professors of Sastras, have not only condescended to publish replies



to my work, but have spared no labour and expense on a subject which, I feared, would meet with their contempt and derision. It adds no little to my satisfaction to find that, among the replicants there are many, who are distinguished in this country for their rank, fortune and learning. What a piece of good fortune to me and to my little work, that such personages have deemed it worth their perusal, worth their discussion and worth being replied to.

But it is much to be regretted that, most of my replicants are not well acquainted with the manner in which such questions should be discussed. Some have been so infuriated at the very sound of the marriage of Widows, that they have lost all control over themselves; and their replies furnish instances of want of proper attention to the investigation of truth, arising from loss of temper during a controversy. Others, again, have wilfully avoided all discussion as to the merits of the question, and raised a number of false and futile objections. Their object, however, in so doing, has, in some measure, been gained. The generality of our countrymen, being ignorant of the Sastras, are incapable of arriving at the truth in any subject by weighing the arguments and authorities adduced and cited by two parties engaged in a Sastric controversy. The appearance of any objection, however futile, is apt to cast them into doubt and uncertainty. Many, who on perusal of my work came to the conclusion that the question agitated by me was consonant to the Sastras, soon after, jumped to the opposite

conclusion, on finding a few objections started against it. The great majority of my countrymen, moreover, being ignorant of the Sanskrit language, cannot of themselves understand the meaning and spirit of Sanskrit Texts, which can only be made intelligible to them by vernacular translations, upon which they entirely depend, in order to ascertain the truth in an enquiry of this nature. Many of the replicants have availed themselves of this circumstance to subserve their purpose, by distorting the meaning of the Texts, cited by them in their respective works, and such readers, as are ignorant of the Sanskrit, have taken their interpretation to be the genuine version. For this, however, the readers are not to blame; for, no one can easily bring himself to believe, that any person, engaged in a religious controversy, would, by ingenious artifices and subterfuges, give wrong interpretation to the sayings of the sages, and, readily and without scruple or hesitation, publish them for the information of the public.

It is much more to be regretted, that many among the replicants delight in ridicule and are fond of abuse. I was not aware that, ridicule and abuse form the chief elements of a religious controversy in this country. Instead, however, of having recourse to abuse and ridicule, the replicants should have adopted the course which suits the importance of the subject. It is surprising that, with many, the reception of these antagonist pamphlets has been in exact proportion to the railing and personalities they contain. I was at first much aggrieved at the course, adopted by many of the replicants; but the perusal of a certain



pamphlet has relieved me from all painful sensations. The reply is an anonymous one, under the signature of Vara (Bridegroom) who, though stricken in years and every where reputed to be the wisest man in this part of the country, has, in several parts of his work, betrayed a fondness for scoffing and scurrilous jests. I have, therefore, come to the conclusion that, in a religious controversy, the use of ridicule and abusive language towards an adversary is the criterion of a wise man in this country. Had this been otherwise, the worthy and revered old man, whom the whole country unanimously pronounces to be the wisest, would not have adopted that course.

But whatever might be the character of the replies, I acknowledge my great obligations to their authors, and loudly offer them a thousand thanks. Had they not taken the trouble to reply to my work, it would have appeared that the learned and the influential portion of the community considered it beneath their notice. But it is, at least, clear from the replies that the subject, I have proposed, is not such as could be passed over with contempt and disregard. Their silence would, indeed, have been most mortifying to me. They have employed considerable labour and research in citing, in their respective works, all available arguments and authorities that could be adduced to prove, as they supposed, the nonconformity of the question to the Sastras. When, therefore, different persons have, in different ways, done their best to raise various objections against the marriage of Widows, it may be inferred that

all that could be said against it has been exhausted. When these objections are weighed and examined, all doubts as to the consonance or otherwise of the practice of the marriage of widows to the Sastras, in the Kali-yuga, might be removed.

My adversaries have, in their respective works, written a great many things, but all of them are not relevant to the question at issue. I have, therefore, engaged myself to answer such of them as have appeared to me to have any bearing on the subject. As I have spared no pains and care in the framing of this answer, I humbly beseech my readers, that they would condescend to peruse this work once at least, from the beginning to the end, and I would consider all my labours amply rewarded.

## CHAPTER I.

### THE TEXT OF PARASARA APPLIES TO FEMALES ACTUALLY MARRIED, NOT TO VIRGINS MERELY BETROTHED.

Some have decided that the Text of Parasara, relative to marriage, purports to enjoin the marriage of a betrothed girl and not of a wedded woman, in the event of "No tidings being received of her husband &c. &c." It is necessary to consider, whether the decision of my opponents is correct.

Parasara says,

नष्टे ऋते प्रव्रजिते स्त्रीषु च पतिते पतौ ।  
पञ्चदापस्यु गारीशं पवित्रं विधीयते ॥



"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

The Text, understood according to the true meaning of the words used by Parasara, would naturally lead to the conclusion, that a woman can remarry under any one of the five calamities enumerated. No other conclusion can be arrived at, except by a forced interpretation of those words. Such interpretation is not however admissible, unless there be strong reasons for it. But no such reasons exist in this case, and therefore, Madhavacharya the Commentator, though antagonistic to the remarrying of females, has distinctly admitted that the Text of Parasara authorizes such remarriage, under the calamities aforesaid. Thus :—

परिवेदनमर्थाधानकोटिं स्त्रीणां पुनरुद्वाहस्यापि  
प्रवृत्त्यात् क्षपिदभ्यनुयां दर्शयति

"Parasara, having treated of Parivedana,\* and of Paryadhana,† shows that under certain circumstances the remarriage of women is lawful. Thus:—

नटे ऋते प्रव्रजिते स्त्रीषु च पतिते पतौ ।  
पञ्चस्रापसु नाटीषां पतिरन्वो विधीयते ॥

\* If the younger brother marries before the elder brother is married, that marriage is called *Parivedana*.

† If the younger brother consecrates fire before the elder brother does so, that act is called *Paryadhana*.

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

पुनरुद्वाहनमत्रा ब्रह्मचर्यव्रतानुष्ठाने चेवोदतिष्ठनं  
दर्शयति

"He next shews that it is more meritorious for women, to observe the Brahmacharya than to marry again. Thus :—

ऋते भर्तारि वा नाटी ब्रह्मचर्ये व्यपस्थिता ।  
वा ऋता ऋते स्त्रीषु ववा ते ब्रह्मचारिणः ॥

"That woman, who, on the decease of her husband, observes the Brahmacharya, attains heaven after her death."

ब्रह्मचर्यादधिकं कलमनुगमने दर्शयति

"He then shows that concremation is attended with a greater degree of merit than that attained from the observance of the Brahmacharya. Thus :—

तिष्ठः कोट्योद्वेकोटी च बानि क्षोमानि मानवे ।  
तावत् कालं वसेत् स्त्रीर्न भर्तारं वागुनच्छति ॥

"She, who burns herself with her deceased husband, resides in heaven for as many Kalas or thousands of years, as there are hairs on the human body, or thirty five millions of years."

On referring to the Narada Sanhita, it will be perfectly clear, that the injunction for remarriage as expressed





in the Text, "On receiving no tidings of a husband &c. &c.," can by no means be applied to the case of a betrothed virgin. Thus :—

नष्टे चते प्रसजिते स्त्रीने च पतिते पतौ ।  
 वसुधापसु गारीषां पतिरन्यो विधीयते ॥  
 अष्टौ वर्षाश्चयेद्येन मास्यन्ती प्रोषितं पतिम् ।  
 अमृतता तु चत्वारि परतोऽन्यं समाचरेत् ॥  
 क्षत्रिया षट् समाश्चिच्छेदममृतता समाचरेत् ।  
 वैश्या ममृतता चत्वारि द्वे वर्षे क्षत्रिया पथेत् ॥  
 न भूद्रावाः स्मृतः काच एव प्रोषितयोषितान् ।  
 जीवति भूवनाद्ये तु स्यादेव द्विगुणो विधिः ॥  
 अमृतता तु भूतानां दृष्टिरेव प्रजापतेः ॥  
 अतोऽन्यमने स्त्रीयानेव दोषो न विद्यते ॥

"On receiving no tidings of a husband, on his demise, on  
 "his turning an ascetic, on his being found impotent, or on  
 "his degradation, under any one of these five calamities,  
 "it is canonical for women to take another husband. A  
 "Brahmans woman should wait eight years for her absent  
 "lord, and four years only, if she be childless; then let her  
 "marry again. A Kshatriya woman should wait six years,  
 "and, in case she has no issue, three years only. A Vaisya  
 "woman, if she has borne a child, four years, otherwise only  
 "two. For a Sudra woman no period is mentioned for  
 "which she is to wait for her husband. If it be heard  
 "that he is living, the rule is, that the aforesaid periods are  
 "to be doubled; when tidings are not received, the fore-

\* Narada Sanhita, Ch. XII.

"mentioned periods are enjoined. Such is the opinion of  
 "Brahma, the lord of men. In such cases, therefore, there  
 "is no harm in women marrying again"

It will now appear that, the aforesaid nuptial Text can, by no means, apply to a betrothed girl. In the case of an absent lord, different periods are assigned for which the wife is to wait for him, according as she has or has not any children. If this ordinance referred to a plighted virgin, the mention of the circumstance of her having or not having issue would be absurd. It may be urged that the Narada-sanhita was good only for the Satya-yuga, and therefore the Text quoted above cannot be construed to sanction the remarriage of women in the Kali-yuga, even if it were admitted that it enjoined such remarriage. It is true that the Narada-sanhita was good for the Satya-yuga, but the Text alluded to is identical with that of Parasara, both being composed of the same words. When both the Texts are identical, the meaning they convey cannot but be identical also. It would be absurd to assume that a particular set of words would mean one thing in one Yuga, and another thing in another Yuga. It is clear, therefore, that the Text can, on no account, have reference to the case of betrothed girls.

Those, who attempt to interpret the above Text of Parasara, as applying to the case of a betrothed girl and not to a married woman, do so for the following reason : There are some Texts which prohibit the marriage of wedded women, and if Parasara's Text be admitted to



apply to married women, a discrepancy arises between the Texts. There are other Texts again which prescribe marriage for betrothed virgins, and if Parasara's Text be interpreted to apply to them, no discrepancy would occur. They therefore contend that Parasara's Text should be interpreted as having reference to betrothed girls only. But I must remark, that as there are Texts prohibitory of the marriage of wedded women, so the Text of Kasyapa prohibits the nuptials of a betrothed girl. Thus :—

वसू वीनर्भवाः वन्या वर्जनीयाः कुशाभवाः ।

वाचा दत्ता मनोदत्ता जतकौतुकमङ्गला ।

उदकस्पर्शिता वा च वा च पाणिग्रहीति वा ।

अग्निं परिगता वा च पुनर्भूतमवा च वा ।

रत्नेताः काश्यपेनोक्ता इहानि कुलमन्विताः ॥

"In forming a matrimonial connexion, seven Punarbhava  
"damsels, despised of their families, are to be shunned.  
"The Vagdatta, she who has been plighted by words of  
"troth ; the Manodatta, she whom her parent or guardian  
"has disposed of in his mind ; the Krita-kautuka-mangala,  
"she on whose hand the nuptial string has been tied ; the  
"Udaka-sparaita, she who has been given away by the  
"sprinkling of water ; the Panigrihita, she in respect of  
"whom the ceremony of taking the hand has been performed ;  
"the Agnim-parigata, she in respect of whom the marriage  
"ceremonies have been completed ; the Punarbhu-pra-  
"bhava, she who is born of a Punarbhu ; these seven dam-  
"sels, described by Kasyapa, when married, consume, like  
"fire, the family of their husbands."

Mark now, as Kasyapa includes the betrothed girl among those, who are to be shunned in marriage, and gives her the designation of Punarbhu (remarried), her marriage is necessarily interdicted. Kasyapa enjoins, that the betrothed girl and the married woman are equally to be rejected. If, therefore, the circumstance of some Texts prohibiting the marriage of a wedded woman be made to operate against the interpretation of the aforesaid Text of Parasara, as enjoining her remarriage ; then, by parity of reasoning, that Text cannot be interpreted to apply to the case of a betrothed girl, when there is a prohibition in the Text of Kasyapa against it. Hence, the construction of the Texts of Parasara, as applying to the case of a betrothed girl, does not establish its consonancy with all the Texts of our Sastras on the subject. This is not, however, the way to reconcile all the Texts. If such reconciliation be necessary, it can be done in the following manner :

There is no mention in the Texts of Kasyapa and others, containing prohibition or injunction regarding the marriage of wedded women, of the specific Yugas to which they refer : hence, they should be considered applicable to all the Yugas. But when, in respect of the present question, there are certain ordinances or interdictions expressly laid down for the Kali-yuga, they may be said to be special rules appropriate to that Yuga only. And as distinct specific rules for the Kali-yuga, touching the present subject, are found, it is quite unnecessary to attempt to reconcile them with general rules regarding it. For, it is patent to all understandings,



that a specific rule supersedes a general rule. It is therefore necessary that, all special rules relative to the Kali-yuga should be reconciled with each other, and upon such reconciliation depends the legality or otherwise of the marriage of widows in that Yuga. With this view, I here quote first such Texts, as prohibit the remarriage of women in the Kali-yuga:

#### Adi Purana.

जडावाः पुनरुदाहं ज्येष्ठायं गोवधं तथा ।  
कसौ पशु न कुर्वीत भ्रातृभार्या कनयस्तुम् ॥

"The remarriage of a married woman, the giving of the best share to the eldest brother, the slaughter of a cow, procreation on a brother's wife, turning an ascetic, these five acts are not to be performed in the Kali-yuga."

#### Kratu.

देवराजं सुतोत्पत्तिर्दत्ता कन्या प्रदीयते ।  
न वधे गोवधः कार्यः कसौ न च कनयस्तुम् ॥

"In the Kali-yuga, the brother is not to beget a child on a brother's wife, a girl already given is not to be given away, a cow is not to be slaughtered in religious ceremonies, and no one is to turn an ascetic."

#### Vrihannaradiya Purana.

दत्तावाद्यैव कन्यायाः पुनर्दानं परमम् च ।

\* Quoted by Madhavacharya in his commentary on the Parasara Sanhita.

"In the Kali-yuga, a damsel is not to be given to a bride-groom a second time."

#### Aditya Purana.

दत्ता कन्या प्रदीयते ।

"In the Kali-yuga, the gift of a girl already given is forbidden."

Thus there is, in general terms, a prohibition of the remarriage of women in the Adi Purana, the Kratu Sanhita, and the Aditya and Vrihannaradiya Puranas. But in the Parasara Sanhita we find,

नष्टे ऋते प्रव्रजिते स्त्रीये च पतिते पतौ ।  
पञ्चस्त्रापक्षु नारीणां पतिरन्यो विधीयते ॥

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

That is, under any of these five contingencies, the remarriage of a woman is permitted.

Thus, we have now before us Texts both for and against the remarriage of women in the Kali-yuga. If we attempt to reconcile these apparently contradictory Texts, we should do so in the following manner:

In the Adi Purana and the other works, quoted above, the prohibition against the marriage of wedded women in the Kali-yuga is a general one; but Parasara makes special cases under five different contingencies, in which



such marriage is permitted. Where there are both a general and a special rule regarding a particular subject, the usual course is to apply the latter to the exceptional cases, and to adopt the former in all other cases. Hence it follows that the precept of Parasara should be observed in the five special contingencies mentioned, the prohibition in the *Adi Purana* &c. being strictly adhered to in all other cases. This interpretation reconciles the two apparently contradictory classes of Texts, and affords room for the application of both the precept and the prohibition. Let us enter into a detailed examination of the subject.

Katyayana says—

यत्तु वयन्वजातीयः पतितः स्त्रीय एव च ।  
विश्वश्रेष्ठः वनोत्तो वा दासो दीर्घान्वयोऽपि वा ।  
जडापि देवा वान्यस्तैः सहामरचमूषया ॥\*

"If after wedding, the husband be found to be of a different caste, degraded, impotent, unprincipled, of the same Gotra or family a slave, or a valitudinarian, then a married woman should be bestowed upon another, decked with proper apparel and ornaments."

Vasishtha says—

कुचयीवविहीनस्तु यस्यादिपतितस्तु च ।  
अपत्यादिपितृवर्जस्तु दोगिण्यां वेप्रधारिणाम् ॥  
इत्यामपि हरेत् कन्यां वनोत्तोदां तथैव च ॥†

\* Katyayana, quoted in the *Parasara Bhashya* and *Nirnaya Sindhu*.

† Vasishtha, quoted in the *Udrakattatwa*.

"A girl, married to a person who is of a low family and conduct, impotent, degraded, epileptic, unprincipled, sickly, a devotee, or of the same family, is to be taken away from him, that is, married to another."

Narada says—

नटे ऋते प्रव्रजिते स्त्रीये च पतिते पत्यौ ।  
यस्यैवापत्यु नाटीयां पतिरन्यो विधीयते ॥

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

Thus, Katyayana, Vasishtha and Narada, without alluding to any particular Yuga, have generally enjoined the remarriage of a woman when her husband is unprincipled, degraded, impotent, sickly, epileptic, of low family and conduct, an ascetic, a slave, of the same family, of a different caste, when no tidings are received of him, or when dead.

Adi Purana says—

जडायाः पुनरुद्वाहं ज्येष्ठायं गोवधं तथा ।  
कन्यौ यस्तु न कुर्वीत भ्रातृजायां वनवधुसुम् ॥

"The remarriage of a married woman, the giving of the best share to the eldest brother, the slaughter of a cow, procreation on a brother's wife, or turning an ascetic, these five acts are not to be performed in the Kali-yuga."





Krutu says—

देवराज सुतोत्पत्तिर्दत्ता कन्या न दीयते ।  
न वसे नोवधः कार्यः कथौ न च कनकसुतः ॥

"In the Kali-yuga, the brother is not to beget a child  
"on a brother's wife, a girl already given is not to be given  
"away, a cow is not to be slaughtered in religious cere-  
"monies, and no one is to turn an ascetic."

Vrihannaradiya Purana says—

दत्तावाञ्छेन कन्यायाः पुनर्दानं परस्मै च ।

"In the Kali-yuga, a damsel is not to be given to a bride-  
"groom a second time."

Aditya Purana says—

दत्ता कन्या प्रदीयते ।

"In the Kali-yuga, the gift of a girl already given is  
"forbidden."

But the Parasara Sanhita says—

नष्टे च ते प्रव्रजिते स्त्रीषु च पतिते पतौ ।  
वधुस्त्वप्यस्य नारीणां पतिरन्यो विधीयते ॥

"On receiving no tidings of a husband, on his demise,  
"on his turning an ascetic, on his being found impotent, or  
"on his degradation, under any one of these five calamities  
"it is canonical for women to take another husband."

Thus, the Adi Purana and other works, in general  
terms, prohibit the remarriage of wedded women in the  
Kali-yuga; while Parasara specially enjoins such

marriage in the Kali-yuga, under the five circumstances  
specified by him.

Now, let my readers consider that Katyayana and  
other Sages, without alluding to any particular Yuga, enu-  
merate certain cases, in which they enjoin the remarriage  
of a wedded woman. Such a rule would have answered  
for all the Yugas; but as in the Adi Purana and other  
works such marriage has been forbidden in the Kali-yuga,  
the prohibition is special to that Yuga: hence, the  
ordinances of Katyayana and others apply to the three  
Yugas other than the Kali.

Again, in the Adi Purana and other works, the re-  
marriage of women in the Kali-yuga has been generally  
prohibited, without the specification of any exceptional  
cases; but Parasara points out particular conditions,  
under which he declares such marriage in that Yuga to  
be canonical. The injunction of Parasara, therefore, is  
a special rule; and the general prohibition in the Adi  
Purana and other works apply to all but the five cases  
specified by Parasara.

Such is always the case, when there are both general  
and special injunctions or prohibitions on the same  
subject. Thus:—

सहस्रद्वयः सन्ध्यामुपासीत ।

"Day by day the Sandhya (a ceremony) is to be per-  
"formed."

This is a clear general rule, for the performance of the  
Sandhya laid down in the Vedas. But,



सन्ध्यां पञ्च महावसान् नैतकं क्षुतिकर्म च ।  
तन्मन्त्रे द्वापरेतेषां दद्याद्वाग्ने पुनः क्रिया ॥\*

"The Sandhya, the five great sacrifices, and the daily necessary rites, enjoined by the Smritis, are not to be performed during the period of Asaucha (impurity); after the expiration of that period, they are to be performed again."

Here, Javali prohibits the performance of the Sandhya, during the period of Asaucha. Now mark, though there is a general ordinance in the Vedas for the daily performance of the Sandhya, yet it is not performed during the period of Asaucha, by the special prohibition of Javali. Again,

पूर्वां सन्ध्यां जपन्तिष्ठेत् सावित्रीमार्चयेद्देवताम् ।  
पश्चिमान्त्रं समाधीनः सन्ध्यां च विभावयात् ॥ 101.  
न तिष्ठति त्वं यः पूर्वां नोपाख्ये त्वं पश्चिमान् ।  
यः पूज्यतु द्विजन्तः सर्वस्माद् द्विजन्तः ॥ 103. †

"At the morning twilight, let him (a twice-born) stand repeating the Gayatri, until he sees the sun; and at the evening twilight, let him repeat it sitting, until the stars distinctly appear. But he, who stands not repeating in the morning twilight, and sits not repeating in the evening, must be precluded, like a Sudra, from every sacred observance of the twice-born classes." But,

\* Javali, quoted in the Suddhitattwa.

† Manu. Ch. II.

संक्रान्तां पञ्चदशरात्रे द्वादशां चाक्षयाचरे ।  
रात्रं सन्ध्यां न कुर्वीत जते च पितृणां मनेत् ॥\*

"On the day of the passage of the sun to a new Zodiacal sign, on the last day of either half of the lunar month, on the twelfth as well as twenty-seventh day of the moon, and on the day of the celebration of a Shraddha, the Sandhya is not to be performed in the evening; by doing so the sin of parricide is incurred."

Observe now, in spite of the general injunction in the institutes of Manu for the performance of the Sandhya in the morning and evening and the penalty attached to its violation, it is not performed on certain specified days by the special prohibition of Vyasa; that is, the general injunction for the performance of the Sandhya obtains on days other than those specified by that Sage. In the Vedas is the following prohibition—

ना हिंसात् सर्वभूतानि ।

"Kill no living thing."

But in other places of the Vedas there are such injunctions as the following—

अश्वमेधेन वजेत् ।

"This sacrifice is to be performed by the slaughter of a horse."

पशुना वद्धं वजेत् ।

\* Vyasa, quoted in the Tithitattwa.



"The sacrifice, called the Rudra-yaga, is to be performed  
"by the slaughter of cattle."

अग्नीषोमीयं ययुवाचमेत ।

"The sacrifice in honor of Agni and Soma is to be per-  
"formed by the slaughter of cattle."

वावचं चेतमाचमेत ।

"The sacrifice in honor of Vayu is to be performed by  
"the slaughter of a white goat."

Now mark, despite the most clear and positive general prohibition, in one part of the Vedas, against killing animals, their slaughter, in certain sacrifices, is considered a meritorious act by the special injunctions in other parts of the Vedas ; that is, owing to the special injunction, the general prohibition, against the slaughter of animals, is applicable to all cases except those of the equine sacrifice, the Rudra-yaga and the like. On this account the illustrious Manu has said—

ययुवके च वसे च पित्रदेवतकर्माणि ।

अग्नेव ययुवो हिंसा नान्यलेखनीकनुः ॥ ५. ४१.

"On a solemn offering to a guest, at a sacrifice, and in  
"holy rites to the manes or to the gods, on these occasions  
"only and not in others, may cattle be slain ; this law Manu  
"has enacted."

It should be observed, that in the above cited cases, our acts are guided by special rules in spite of general

ones to the contrary ; the latter obtaining force only in cases not comprehended in the former. In spite, then, of the general prohibition against the remarriage of women in the Kali-yuga, the special ordinance of Parasara, directing their remarriage under the five conditions specified by him, is to be observed ; the general prohibition in the Adi Purana and other works obtaining force in all cases except those five. This I consider to be the plain and rational way of reconciling apparently contradictory Texts on the subject under discussion.

## CHAPTER II.

THE MARITAL TEXT OF PARASARA REFERS TO THE KALI-YUGA, NOT TO THE OTHER YUGAS .

Madhavacharya, after giving an interpretation of the Text of Parasara respecting the remarriage of females, thus concludes,—

अथ पुनश्चाहो मुनात्तरविषयः । तथाचादिपुराणम्

अदावाः पुनश्चाहं ज्येष्ठाय गोवधं तथा ।

अथौ पञ्च न कुर्वीत भ्रातृजायां वनवृद्धम् ॥

"This injunction of Parasara, for the remarriage of  
"females, is to be understood to apply to Yugas other than  
"the Kali ; because it is declared, in the Adi Purana, that the  
"remarriage of a female once wedded, the allotment of the  
"best share to the eldest brother, the Bovine sacrifice, pro-



"creation on a brother's wife, and turning an ascetic, are the five acts not to be practised in the Kali-yuga."

It should now be considered, whether this remark of Madhavacharya is correct and reasonable. It is necessary, in the first place, to ascertain the object of Parasara from the spirit of his Sanhita and its interpretation by Madhavacharya himself.

#### The Text of the Sanhita.

कथातो हिमयेवाये देवदाह्यमाचरे ।  
आचरेन्नापमाचीनमष्टकमुच्यते । पुरा ॥  
मानुषाणां हितं धर्मं वर्तमाने कथौ युने ।  
गौचाचारं ब्रह्मवत् वद ब्रह्मवतीकृत ॥

"Therefore, in times of yore, the Rishis, thereafter, addressed Vyasa—who was seated, with his attention fixed on one object, in his retreat in the pine forests on the top of the Himalayas.—Declare to us, Oh son of Satyavati! what are the Dharma (duties) and acharas (practices) beneficial to men in this Kali-yuga."

#### Commentary of Madhavacharya.

वर्तमाने कथायामि विधेयत्वात् गुणान्तरधर्मज्ञानानन्तरम् ।

"Thereafter, that is, the Rishis, after having been informed of the Dharma of the Satya, Treta, and Dwapara Yugas, enquired about the Dharma of the Kali-yuga."

अतः प्रश्नो हेतुर्नः ब्रह्मादेवदेवाध्यायिनो नाशेवधर्मज्ञानं  
ब्रह्माश्च गुणान्तरधर्मज्ञानमत्र न कश्चिधर्मज्ञानमिच्छादिति ।

"Therefore, that is, whereas the study of a part cannot make one acquainted with the whole of the Dharma, and whereas the Kali Dharma cannot be known from an acquaintance with the Dharma of other Yugas, therefore the Rishis enquired."

From this it clearly appears, that at the commencement of the Kali-yuga, the Rishis, who knew the Dharma of the Satya, Treta, and Dwapara Yugas, wishing to obtain a knowledge of those for the Kali-yuga, repaired to Vyasa and questioned him on the subject.

#### Text.

तच्छ्रुत्वा कश्चिवाक्यमु वशिष्ठोऽन्तरर्षेवक्षिभः ।  
प्रत्युवाच महातेजाः कृतिस्मृतिविभारदः ॥  
न ब्राह्मं हवेतस्वयः कथं धर्मं वदाम्यहम् ।  
अस्मात्पितैव प्रष्टव्य इति व्यासः सुतोऽब्रह्म ॥

"Hearing these words of the Rishis, he (the great Vaysa), surrounded by his pupils, radiant as the sun and fire, and versed in the Vedas and the Smritis, replied, *I do not know the truth of all things*, how shall I declare the Dharma? *My father only should be consulted on the subject*. This was said by the son of Parasara."

#### Commentary.

न ब्राह्ममिति वदतो व्यासश्चात्रमाश्रयः सत्यति कश्चिधर्मज्ञानं  
हृत्पत्रमेतत् न तावदहं स्मृतः कश्चिधर्मज्ञानं ज्ञानानि अस्मात्पितरैव  
तत्र प्राचीनज्ञानं अतएव कथौ पाराशराः स्मृता इति वक्ष्यते । यदि





विद्वत्प्रसादात्तत्र तदभिधानं तर्हि च एव विना प्रहयः नहि नूत-  
नकारि विद्वद्भिः प्रसादिका मुञ्चत इति ।

"I do not know etc. by this, Vyasa means to say that you  
"are now enquiring of me the Kali Dharma; but I have  
"learnt them from my father; he only is master of them;  
"and as I have obtained a knowledge of them through my  
"father's favour, he should be consulted on the subject;  
"when the original instructor is living, it is not meet to re-  
"ceive knowledge at second hand."

एवकारेणान्यस्मात्ततो व्यासस्येति । यद्यपि मन्वादः कश्चि-  
धर्मोभिप्रायस्वापि पराशरस्यास्मिन् विषये तपोविशेषवशात्  
अवधारणः कश्चिदतिशयोक्त्यः । यथा कात्यायनस्य  
काठकोषोक्तमितिदीवादिशास्त्रात् कात्यायनीयानवधारणत्वं तद-  
द्वयमन्यथा । कश्चिधर्मोव्युदायोपेतस्यापि पराशरस्य तस्य यदा  
तद्व्युदायोपेतस्य भवति तदा किमु वक्तव्यमनेषामिति ।

"From the expression *my father only should be consulted*  
"on the subject it is to be inferred, that the authors of the  
"other Smritis are excluded (as referees on this subject.)  
"Although Manu and others, are versed in the Kali Dhar-  
"mas, yet Parasara, by virtue of particular penances, has  
"become the supreme authority as regards the Kali Dharma.  
"As among the Kanva, Madhyandina, Kathaka, Kauthuma,  
"Taittiriya and other Sakhas or branches of the Vedas the  
"Kanva and some others are distinguished, so, in respect  
"of the Kali Dharma, Parasara stands preeminent among  
"all the authors of the Smritis. When Vyasa, who is him-  
"self admitted to be the instructor of the Kali Dharma,

"hesitates to declare them while Parasara is living, what  
"shall we say of the other Rishis."

We thus see that as regards the Kali Dharma, the  
authority of Parasara weighs more than that of Manu  
and other writers of Smritis and that his Text is supreme  
on the subject of the Kali Dharma.

Text.

वदि जानासि मे भक्तिं खेदादा भक्तवत्सल ।  
धर्म कथय मे ततः अनुयायी ह्यहं तव ॥

"Oh Sir ! affectionate to thy votaries, if thou knowest  
"me to be thy votary and bearest any affection towards me,  
"instruct me in the Dharma; I am an object of thy  
"favour."

Vyasa thus addressed his father.

Commentary.

ननु सन्ति बहुवो मन्वादिभिः प्रोक्ता धर्मोः तत्र को धर्मो भवता  
बुभुक्षित इत्याशङ्क्य बुभुक्षितं परिशेषवित्तमुपन्यस्यति

"There are various Dharma promulgated by Manu and  
"others, and Vyasa, fearing as if Parasara asked him which  
"of them he wished to learn first, mentions the Dharma in  
"which he has been already edified, that he may conclude  
"with specifying the Dharma, he wishes to learn."



## Text.

श्रुता ये मानवा धर्माः प्राणिनाः काश्चिदात्मना ।  
 नान्येषां जैतृमास्यैव तथाचौमनवाः श्रुताः ॥  
 अनेर्विष्णोश्च वांस्पती दाया आहिराक्षसबा ।  
 शतातयाश्च हारीता वासवस्त्रासवेन च ॥  
 आपसाव्यजता धर्माः प्रहस्य लिखिता च ।  
 कात्यायनजताश्चैव प्राचेतसजताश्च ये ॥  
 श्रुता स्मृते भवलोकाः जताचार्यैः न विद्वताः ।  
 अस्मिन् मन्मथरे धर्माः जतमेतादिके बुधे ॥

"I have heard from you the Dharmas declared by Manu,  
 "Vasishtha, Kasyapa, Garga, Gotama, Usana, Atri, Vishnu,  
 "Sanvartta, Daksha, Angira, Satatapa, Harita, Yajnavalkya,  
 "Apastamba, Sankha, Likhita, Katyayana, and Prachetasa.  
 "I have not forgotten what I learnt; they were the Dharmas  
 "of the Satya, Treta, and Dwapara Yugas."

## Commentary.

इदानीं परिग्रहं बुभुक्षितं वृण्वति

"And now he enquires about the Dharmas, he wishes  
 "to learn."

## Text.

सर्वे धर्माः जते जाताः सर्वे नष्टाः कसौ बुधे ।  
 चातुर्वर्ण्यमाचारं किञ्चित् बाधाय च न ॥

"All the Dharmas originated in the Satya-yuga, all of  
 "them have expired in the Kali-yuga: declare therefore  
 "some of the common Dharmas of the four Varnas (castes)."

## Commentary.

विष्णुपुराणे

वर्ण्यमाचारादयो प्रहसिर्न कसौ बुधाम् ।

आदिपुराणेषु

बहु कालेभ्यः धर्मो न कर्तव्यः कसौ बुधे ।

मायप्रवृत्तास्तु जतः कसौ नान्योनराक्षसा ॥

अतः कसौ प्राणिनां प्रवृत्तमात्रे धर्मो प्रहस्यमानात् सुकरो  
 धर्मोऽत्र बुभुक्षितः ।

"It is said in the Vishnu Purana that 'the specified Dharmas of the four Varnas (castes) and of the four Asramas (orders,) are not observed in the Kali-yuga.' It is also 'declared in the Adi Purana that 'the Dharmas of the Satya Yuga cannot be practised in the Kali-yuga; because both 'men and women, all, are addicted to sin.' Men in the 'Kali-yuga cannot be expected to have any predilection for 'Dharmas, which are difficult to be practised: the inculcation of the easily practicable Dharmas, therefore, is the 'object of the Parasara Sanhita."

By all this, it is manifest that the Dharmas, inculcated by Manu and others, are appropriate to the Satya, Treta and Dwapara Yugas, and that the observance of all of them in the Kali-yuga is impracticable. Vyasa, therefore, asks of Parasara for such Dharmas as are easily performable in the Kali-yuga.

## Text.

आववाक्यावधाने न मुनिमुखः पदामरः ।

धर्मस्य निर्वर्णं प्राह वृष्णं खूबस्य निवारात् ॥



"On the conclusion of Vyasa's speech, Parasara, the chief of Sages, began to propound, in detail, the general principles and subtle points of the Dharma."

Thus it appears, that, at the request of Vyasa, Parasara, who tenderly loved his son, began to declare the Dharma of the Kali-yuga.

Now let my readers calmly think, whether or not, the above citations of the Texts of Parasara and of the commentary of Madhavacharya himself clearly and unquestionably prove, that the sole object of the Parasara Sanhita is the inculcation of the Dharma of the Kali-yuga. When it is understood that such is the object of the work, it must be acknowledged that the whole work, from beginning to end, has reference to the Kali-yuga only. It would, therefore, be absurd to suppose that the Text relative to the marriage of widows and other women applies to the other Yugas. How can it be reasonably supposed that when Vyasa and other Sages, at the commencement of the Kali-yuga, distinctly declare their having acquired a knowledge of the Dharma of the preceding Yugas, and therefore ask Parasara to edify them in the Dharma of the Kali-yuga, he would, in inculcating the Dharma of that Yuga throughout his work, prescribe only a single Dharma which applies to Yugas other than the Kali. There can be no doubt, therefore, that Parasara has prescribed the remarriage of women as a Dharma appropriate to the Kali-yuga.

It has been shewn above that Madhavacharya has, in his own interpretation, decided that the object of the

Parasara Sanhita is the propounding of the Kali Dharma. Any conclusion therefore arrived at by the Commentator, which is contrary to the scope of the Sanhita and opposed to his own interpretation, can never be accepted as rational.

Madhavacharya's gloss, to the following effect, on the three Texts of Parasara relative to remarriage, Brahmacharya, and concretion, becomes incoherent, if the Text relative to remarriage be supposed to refer to Yugas other than the Kali:

"Under certain contingencies the remarriage of a woman is legal."

"It is more meritorious for a woman who, instead of marrying again, observes the Brahmacharya."

"Concretion is attended with a greater degree of merit than what is attained from the observance of Brahmacharya."

In the opinion of Madhavacharya, remarriage refers to the prior Yugas; Brahmacharya and concretion to the Kali-yuga. There can be therefore no connexion between the Text which speaks of remarriage and those which direct Brahmacharya and concretion. Now, when Madhavacharya, by deciding that the marital Text refers to the former Yugas, leaves not to the widows of the Kali-yuga, any right to remarriage, the idea of comparison, expressed in the Text which promises higher rewards to the widow of the Kali-yuga who, instead of marrying, observes the Brahmacharya, would be quite absurd. The obvious connexion subsisting between the three Texts,



which declare in the first place, remarriage of women to be canonical; secondly, the observance of the Brahmacharya to be instrumental in procuring greater merit; and thirdly, concremation to be the passport to still higher rewards; inevitably leads to the conclusion, that these three injunctions apply to one and the same Yuga: If remarriage be considered to refer to the preceding Yugas, Brahmacharya and concremation must necessarily be deemed appropriate to those Yugas; and if the latter two be viewed as assigned for the Kali-yuga, the former must also apply to this Yuga. Want of mutual connexion would destroy the sense. It must be confessed, in short, that Madhavacharya, in his zeal to reckon the marriage of widows among the Dharmas of the former Yugas, has not only strayed from the obvious purport of the author of the Sanhita, but has neglected to see, whether this dictum would tally with his own interpretation of the passage.

Madhavacharya has himself declared that 'as it is not expected that men in the Kali yuga would have any predilection for the Dharmas which are difficult to be observed, it is the object of Parasara to assign such Dharmas for the Kali-yuga, as are easily practicable.' Considering remarriage to be a Dharma easily practicable, Parasara has, in the first place, laid it down as a Dharma for the widows in general. Secondly, the observance of the Brahmacharya being a difficult task, he has enjoined it for those women who feel their strength equal to it, declaring that its observance would be a passport to heaven. Thirdly, concremation being the severest duty, he has ordained it for those

women whose courage is commensurate with the task, by encouraging them with the hope of eternal residence in heaven. Madhavacharya has however reckoned the easily practicable duty of remarriage as a Dharma of the past yugas, and assigned the remaining two most arduous duties only (Brahmacharya and concremation) as appropriate to the Kali-yuga. Now, let my readers consider, whether this allotment of Madhavacharya squares with his former exposition, that men in the Kali-yuga not being disposed to observe the Dharmas which are difficult of performance, the avowed object of Parasara is the assignment of the easily practicable Dharmas for men of the Kali-yuga. It is certainly a strange hypothesis that a most easily practicable Dharma, which the strong minded men of the bygone ages were privileged to perform, should have been interdicted to a feeble and degenerate race. In fact, when it is considered that the people of the Kali-yuga have immeasurably fallen off, in their physical and moral strength, from their ancestors of the prior Yugas, and are therefore incapable of practising the difficult Dharmas; when parasara, having commenced declaring the Dharmas of the Kali-yuga has, in respect of widows in general, ordained, in the first instance, remarriage the most easily practicable Dharma, we come to the irresistible conclusion that Madhavacharya's supposition of remarriage not being intended for the widows of the Kali-yuga can never be reconciled with reason or the avowed object of the author of the Sanhita.

That the above interpretation of Madhavacharya is opposed to the intention of Parasara is clearly evident





also from the writings of Bhattojidikahita, who thus declares his opinion :

नच कश्चिदिदं ह्यस्यापि युगात्करीवधर्मस्यैव नटे नते  
इत्यादिपराशरपात्रं प्रतिपादकमिति वाच्यं कदाचिदुच्यते  
धर्मानिव नक्षत्राणीति प्रतिपाद्य तद्व्यवस्थया ।\*

"It cannot be contended that the Marital Text of Parasara applies to Yugas other than the Kali, for Parasara has compiled his Sanhita, with the avowed object of declaring the Dharmas to be observed in the Kali-yuga alone."

From the arguments and citations above set-forth, the nonconsonancy of the interpretation of Madhavacharya to the scope of the Parasara-sanhita and to his own exposition of the three Texts relating to remarriage, Brahmacharya, and concremation, has been sufficiently establishd. We should now examine the weight of the authority, on the strength of which he founds his supposition that remarriage was not intended for the Kali-yuga.

Madhavacharya, in attempting to refer the remarriage of females to Yugas other than the Kali, has not been able to derive any support either from the general scope of the Sanhita or from the obvious meaning and construction of the Text in question, but has suffered himself to be guided by a single Text of the Adi Purana. His meaning seems to be this : although the Parasara

\* Chaturvimsati Smriti Vyakhya. Section on marriage.

Sanhita is appropriate to the Kali-yuga only and although it enjoins the remarriage of females, yet as there appears a prohibition in the Adi Purana against the remarriage of women once wedded, in the Kali-yuga, the injunction of Parasara should be considered not to refer to the Kali-yuga but to the preceding Yugas.

Three strong objections may be raised against this reasoning—1st, The Text, which Madhavacharya declares to have cited from the Adi Purana, is not to be found in that Purana ; moreover, when regard is had to the scheme of the work, the improbability of any such Text being found in it would be manifest : the citation of Madhavacharya, therefore, appears to be unfounded, and any conclusion, which it supports, should be considered as unauthorized. Secondly, should the Text in question be admitted to be genuine, it is not reasonable to qualify, on its strength, the Text of Parasara ; for Parasara Sanhita is one of the Smritis and the Adi Purana is a Puranic work : and it has been clearly shewn\* that in the event of a contradiction between the Smriti and the Purana, the former would be the stronger authority ; that is, we should, in that case, instead of following the injunctions of the Purana, act up to those of the Smriti. By this rule therefore no Text of a Smriti can be qualified by any Puranic Text, when they seem to jar with each other. In the third place, from what has been said in the preceding chapter respecting the cogency of special rules, we should, instead of suffering the

\* See page 18.



Text of the Adi Purana to qualify that of the Parasara Sanhita, rather reverse the process : The prohibition in the Adi Purana is a general rule, while Parasara's ordinance is a special one ; the general rule, instead of barring the operation of a special rule, should be superseded by the latter. Mark now, the interpretation of Madhavacharya referring the injunction of Parasara for remarriage of females to Yugas other than the Kali, is— Firstly, opposed to the spirit and scope of the Sanhita ; secondly, inconsistent with his own expositions ; thirdly, founded on an authority, the genuineness of which is questionable ; fourthly, (the genuineness of the authority being granted) contrary to the rule laid down by Vyasa which declares the authority of the Smriti to be superior to that of the Purana, when they are at variance with each other ; and fifthly, contradictive to the universal doctrine that a special rule supersedes a general one. In fact the supposition that the marital Text of Parasara refers to Yugas other than the Kali is untenable.

A fresh objection may start up : Madhavacharya was a great scholar ; we should accept his doctrine without questioning its reasonableness. To this, I have only to observe, that Madhavacharya was, indeed, a learned man and, in all respects, highly venerated ; but he was not infallible, nor are his opinions always accepted as infallible. Whenever his conclusions were unsound, succeeding writers have not scrupled to refute and criticize them. Thus :—

यद्वा माधवः यस्तु माधवनेमी स्मृतं तस्य चन्दिदिनासुरा ।

न कायन्नाहितः किन्तु सदा चन्दिदिने हि वा स्मृतं तत्  
कर्मभाष्यदेवजानी श्रीचननभाष्यादिवचनस्य साखीवपन्निरो-  
धाद्विनादराज्ञेयम् । \*

"What Madhavacharya has said here cannot be accept-  
ed as authoritative, because it is opposed to the Karka-  
bhashya, Devajani, Sri Anantabhashya and all other  
writers on the Vajasaneya Sakha, and disregarded by  
"many."

माधवस्य सामान्यवाक्यान्निर्णयं कुर्वन् भ्याम् एव । †

"Madhavacharya in attempting to settle the point, accord-  
ing to the common acceptation of the term, has entangled  
"himself in the moshes of fallacy."

जन्मा पूर्वोत्तरा युक्ता दशमेवं व्यवस्थितेति माधवः । यस्तु-  
तस्तु मुख्या नवमीयुतेव यावत् । दशमी तु प्रकर्तव्या यदुर्गा  
द्विजयसमेत्वापस्तम्बोक्तेः । ‡

"Madhavacharya lays down this rule, but we must follow  
"a different course."

मासि चाश्विने युक्ते नवरात्रे विधेयतः ।

यस्तु नवदुर्गासु नक्षत्रं कुर्वीत स्मृतं तत् ।

नवरात्राभिर्धनं कर्त्तुं नक्षत्रतमिदं स्मृतम् ।

चारुल्ले नवरात्रोत्थादिस्मान्मातृ माधवोक्तेः नक्षत्रेव  
प्रधानमिति चेत् न नवरात्रोपवासतः स्मृतादेरनुपपत्तेः । §

\* Nirayasinidhu. Ch. I. † Nirayasinidhu. Ch. II.

‡ Nirayasinidhu. Ch. I. § Nirayasinidhu. Ch. II.



"If you say that the rule is valid, because it has been declared by Madhavacharya and is to be found in the Skanda Purana, then the other Sastras are falsified."

यत्नं बालमवादवात् चन्द्रशीवनामौ तदने तदुर्ध्वनामि-  
न्यास्य प्रातस्त्रिभिर्भ्य एवेति हेमाद्रिमाधवादयो व्यवहारास्तः  
तत्र तिष्ठन्ने तिष्ठिमान्नेवा पारस्यं यत्नं चोदितम् । बाल-  
मवोर्ध्वनामिनां प्रातरेव हि पारस्येन्द्रादिबालान्तरवचनैरेव  
व्यवहारविज्ञेयमविधवाक्यवैयर्थ्यं दुष्परिहरताम् । \*

"Hemadri, Madhavacharya and others have settled this rule, but it should not be received ; for then the conclusion would be irresistible, that both the dicta are useless."

न च यदि प्रथमनिष्ठावानेकतरविबोधस्तदापि ब्रह्मवैवर्तादि-  
वचनादिवापारस्यमन्त्रमनुमाधवाचार्योक्तं बुद्धिमिति वाच्यं  
न राज्ञौ पारस्यं कुर्वीते वे रोहिणीव्रतात् । निष्ठावां पारस्यं  
कुर्वीत् वर्जयित्वा ब्रह्मनिष्ठाविति संवत्सरप्रदीपव्रतस्य न  
राज्ञौ पारस्यं कुर्वीते वे रोहिणीव्रतात् । यत्नं निष्ठापि तत्  
कार्यं वर्जयित्वा ब्रह्मनिष्ठाविति ब्रह्माष्टोक्तस्य च निर्निवृ-  
त्तावत्ते । †

"If you say that the conclusion arrived at by Ananta Bhat-  
ta and Madhavacharya are valid, then the quotation in the  
"Sanvatsara Pradipa, and the Text of the Brahmanda Purana  
will have no sphere of application."

Thus Kamalakarabhatta and Rughunandana have not

\* Nirnayasinidhu. ch. II † Tithitattwa.

failed to refute his doctrines when they appeared open to objection : wherefore it clearly appears, that the dictum of Madhavacharya, right or wrong, is not to be received as an infallible authority.

### CHAPTER III.

#### THE MARITAL INJUNCTION OF PARASARA IS NOT OPPOSED TO MANU.

Almost all the oppositionists have come to the conclusion, that the marriage of widows is against the law of Manu ; whereby they mean to establish that the Text of Parasara, though it authorizes the marriage of widows in the Kali-yuga, being opposed to Manu, should be rejected on the strength of the following Text of Vrihaspati :

वेदार्थोपनिबन्धुत्वात् प्राधान्यं हि मनोः स्मृतम् ।  
मन्त्रविपरीता वा सा स्मृतिर्न प्रयुज्यते । \*

"Manu has, in his own Sanhita, compiled the spirit of the Vedas ; he is, therefore, the chief authority ; and Smritis at variance with him are not proper guides.

This conclusion does not appear to be rational. Vrihaspati directs that the Manu Sanhita is the chief authority,

\* Quoted by Kulluka Bhatta.



and the Smritis at variance with it are to be rejected ; but he does not specify any particular Yuga or Yugas in which that Sanhita is to be so regarded. On the other hand, Parasara, an equally wise and infallible Sage, distinctly affirms that the Sanhita of Manu was appropriate for the Satya-yuga only, and not for all the Yugas. The direction of Vrihaspati, in general terms, might have applied to all the Yugas as advanced by the oppositionists, if Parasara did not particularize the Satya-yuga. It must accordingly be admitted that the Sanhita of Manu was supreme authority in that Yuga only, and not in any other Yuga. That it is not so in the Kali-yuga, is also evident from the fact that, in many instances, the prevailing practices are founded on Smritis plainly at variance with that Sanhita. Thus.—

Manu has said—

त्रिंशद्वर्षो वहेत् कन्यां द्वादशवर्षिकीम् ।

अत्र द्वादशवर्षीया वयसि विदति बलः ॥ १. १४.

“A man, aged thirty years, is to marry a girl of twelve ; or  
“a man of twenty-four years, a damsel of eight : a breach of  
“this rule makes a man sinful.”

But Angira declares—

अष्टवर्षा अष्टौरो नववर्षा द्वादशवर्षी ।

दशमे कन्यका प्रोक्ता अत्र ऊर्ध्वं रजसका ।

तस्मात् प्रवक्ष्यते प्राप्ते दशमे कन्यका मुनेः ।

प्रदातव्या प्रवक्ष्यते न दोषः काचदोषतः । \*

“Damsels of eight, nine and ten years are respectively  
“named Gauri, Rohini, and Kanya ; and all girls above ten  
“are called Rajaswala or women in their catamenia : when  
“therefore a girl has reached her tenth year, she is to be  
“immediately disposed of in marriage, and such marriage,  
“even though celebrated in an interdicted nuptial season,  
“will not be held culpable.”

It thus appears, that Angira has fixed the eighth, ninth and tenth years as the proper marriageable age of a girl ; and so great is his apprehension, lest she should continue unmarried after her tenth year, that he enjoins the marriage of a decennarian damsel even in times when weddings are forbidden ; but with respect to males, he assigns neither twenty-four nor thirty years, nor any period for their marriageable age. Now it should be observed, whether or not, the above Texts of Manu and Angira contradict each other : Manu fixes either the eighth or twelfth year as the marriageable age of a girl, any deviation from which is declared by him to be sinful ; while Angira directs that a damsel should be married in her eighth, ninth or tenth year, the last of which is declared to be the farthest limit, at which her marriage is indispensable and not to be deferred : hence, according to his opinion the twelfth year is by no means the proper marriageable age. The actual practice now-a-days is founded on the ordinance of Angira and opposed to the law of Manu. If the injunc-

\* Quoted in the Udvahatattva.





tion of Manu in this respect were to be followed, girls of eight and twelve years would be bestowed upon suitors aged twenty-four and thirty years respectively; otherwise the sacred law is violated. We nowhere see, in the present age, the operation of such a rule. The ordinance of Angira, on the contrary, that the eighth, ninth, and tenth years are the proper wedding periods of a damsel, is almost universally observed. Hence then, as regards the determination of the marriageable age, the rule of Manu is at present discountenanced, while that of Angira, which is opposed to it, is respected.

Again, Manu has declared—

एक दत्तैवः पुत्रः पितृस्य वसुधः प्रभुः ।  
 येनान्येनाप्यन्यथां प्रदद्यात् प्रजीवन् ॥ 9. 163.  
 वसुधं येनान्यथां प्रदद्यात् वेदसाधनात् ।  
 तौर्यो विभजन् दानं पितरं वसुधेव वा ॥ 9. 164.  
 तौर्ययेनैव पुत्रो पितरिष्वस्य भागिनौ ।  
 दत्तादरे तु जनयो नोत्तरिष्वस्य भागिनः ॥ 9. 165.

"The son of his own body is the sole heir to a man's estate. He is to allow a maintenance to the rest, out of kindness only."

"But when the son of the body divides the paternal inheritance, he is to give a sixth or fifth part of it to the son of the wife begotten by a kinsman."

"The son of the body, and son of the wife should succeed to the paternal estate, but the ten other kinds of sons succeed, in order, to the family duties and to their share of inheritance."

Thus, according to Manu, if a man have many kinds of sons, a son of the body, a son of the wife, an adopted son and the like, then the son of the body shall inherit his paternal property, after having allotted to the son of the wife a fifth or sixth part of it; and shall allow a maintenance to the adopted and other sons as a mere act of kindness; on failure of a son of the body, the son of the wife shall succeed to the whole property, and failing him, the adopted son and so on; the last named succeeding in default of the preceding.

But Katyayana says—

उत्सर्गे तौर्ये पुत्रे तत्तीर्थादहताः सुताः ।  
 दत्तौ च दत्तौ च दत्तौ च दत्तौ च दत्तौ च ॥

"On the birth of a son of the body, the other sons, of the same caste with the father, take a third of his heritage; but if they be of a different caste, they are entitled only to maintenance."

According to Katyayana, therefore, the son of the wife, the adopted and other sons, of the same caste with the father, succeed to a third of their paternal estate, and if of a different caste, can claim a mere maintenance. Mark now, whether or not Manu and Katyayana, are at variance with each other. Manu allows a sixth or a fifth of the heritage to the son of the wife and mere main-

\* Quoted in the Dayabhaga.



tenance to the other kinds of sons ; while Katyayana enjoins the allotment of a third part of the estate to the son of the wife as well as to all the rest, who are of the same class with the father. According to Manu, when there is a son of the body, the Dattaka (adopted son) is entitled only to maintenance ; \* but according to Katyayana, he has a claim to a third of the heritage. If we observe the actual practice, we shall find, that in this case, the injunction of Manu is disregarded, while that of Katyayana, who holds a contrary opinion, is followed : that is, in the present age when a son of the body is living, an adopted son, instead of getting mere maintenance, partakes of a third of the heritage. Had Vrihaspati meant to say that all Smritis, opposed to Manu, are to be rejected even in the Kali-yuga, how comes it that Katyayana's rule, in the case above cited, is now held valid in practice ?

A third instance :

Manu says—

यस्या जिवेन यन्वावा वाचा यत्नेऽप्यते पतिः ।  
 वागनेन विधानेन निजो विन्देत् देवदः ॥ 9. 69.

\* But if the Dattaka be endued with excellent qualities, he inherits the property with the son of the body. Thus :—

उपपन्नो युष्मैः सर्वैः पुत्रो यस्य स इन्द्रियः ।  
 स हरेदेव वद्विष्वं यस्याग्नौऽन्यनोमतः ॥ 9. 141,

"Of the man, who has adopted a son adorned with every virtue, that son shall take the heritage though brought from a different family."

यथाविध्यधिगम्यैर्ना युक्तवन्ता युचिप्रवाम् ।  
 निजो भवेदाप्रवाम् यत्नत् यत्नतादतौ ॥ 9. 70.  
 न हत्वा यत्नचित् यन्वा पुनर्हत्यादिपचयः ।  
 हत्वा पुनः प्रवच्यन् हि प्राप्नोति पुनर्वाच्यतम् ॥ 9. 71.

"The damsel, whose husband dies after troth verbally plighted but before consummation, his brother shall take for the purpose of begetting a son on her according to this rule."

"Having taken such a girl for the above purpose in due form of law, she being clad in a white robe and pure in her moral conduct, let him approach her once in due season, and until issue be had."

"Let no sensible man, who has once given his daughter to a suitor, give her again (in the event of his death before consummation) to another ; for he who gives away his daughter, whom he had before given, incurs the guilt of stealing a girl."

We thus find that Manu prohibits the marriage of a betrothed girl on the death of the suitor to whom she had been plighted, directs the procreation of a son on her by his brother in due form of law, and, after the birth of such issue, enjoins the life-long observance of the rules of widowhood. According to his opinion, therefore, a betrothed girl is unmarriageable after the death of her suitor, and, for the perpetuation of his line, she, having, by his brother, given birth to a son, must continue a widow through her whole life.



But Vasishtha pronounces—

अग्निर्वाचा च दत्तावा विवेतापो वदो यदि ।  
न च मन्मथनीता स्नात् कुमारी पितुरेव वा ॥  
वाचश्चेदाहुता कन्या मन्मथेदि न संकृता ।  
अन्यथै विधिवद् वा वचा कन्या तथैव वा ॥ Ch. 17.

"The damsel, whose suitor happens to die after she had been given to him by the sprinkling of water, or by troth verbally plighted, but before the utterance of the nuptial Texts, continues her father's."

"If a damsel has been given only by pledge of words without the consummation of the marital act by the utterance of the nuptial Texts, she should be bestowed upon another in due form ; her state of celibacy is not destroyed by a mere verbal plight."

Thus Vasishtha, considering the virgin state of a betrothed girl unaffected by the death of the suitor before consummation, enjoins the bestowal of her to another in due form of law.

Observe now whether or not there is a broad contradiction between Manu and Vasishtha. Manu prohibits the marriage of a betrothed damsel after the death of the suitor before consummation, and directs her to bear a single son by her late suitor's brother, and then to continue a widow for life ; while Vasishtha plainly enjoins her wedding under the same predicament. On turning to the custom now prevailing in our country, we see it founded on the ordinance of Vasishtha ; that is, on

the death of the suitor before consummation, a damsel is bestowed upon another according to the injunction of Vasishtha, but she is not, in conformity with the law of Manu, obliged to continue a widow for life.

When, therefore, on referring to practice we find, that in many particulars, Smritis opposed to Manu are every where respected and followed in the Kali-yuga, and when Parasara assigns the Dharmas propounded by Manu to be appropriate only to the Satya-yuga, the superiority of the authority of Manu, and the invalidity of Smritis opposed to him as declared by Vrihaspati, must necessarily be considered to allude to the Satya-yuga. Otherwise, the Text of Vrihaspati, that Manu has compiled the spirit of the Vedas, and therefore Manu is preeminent, becomes incongruous :—Has Manu alone digested in his Sanhita the purport of the Vedas, and have Yajnavalkya and Parasara and the other Rishis failed to do so ? Have they, in their respective institutes, delivered their self-invented ordinances opposed to the Vedas ? Certainly, it cannot be supposed that they knew not the Vedas, or that they did not propound, in their respective works, the spirit of the Vedas : the fact is, they have, in their respective Smritis, exhibited the scope of the Vedas in the same manner, as Manu has done in his own Sanhita.

If, then, what Vrihaspati has predicated of the institutes of Manu with a view to the establishment of his preeminence, can be equally predicated of the other institutes, how can the conclusion be rational that Manu is the supreme authority and the other Smriti writers



are inferior to him. The same cause, which operates to render one work preeminent, must, while it exists in another, serve to render it equally excellent. In fact, when people regard all the Rishis equally wise and infallible, and when all of them have, in their respective works, propounded the spirit of the Vedas, all of them must, no doubt, be equally esteemed.

That we are to accord equal respect to all the Rishis is a conclusion arrived at not by myself alone ; Madhavacharya, in his commentary on the Parasara Sanhita, comes to the same decision.

Thus—

कस्य वा वचस्त्विकृत्युक्तेः प्रामाण्यं तत्रापि प्रकृत्याः परा-  
शरकृतेः विभावात् तेन न हि मनोरिष पराशरस्य महिमानं  
कश्चिदेदः प्रख्यापयति तस्मात्तदीयकृतेषु निरूप्यं प्रामाण्यम् ।

" Well ; if the preeminence of the institutes of Manu be, " in some such manner, established, what does it matter " with reference to the Parasara Sanhita ? Nowhere the " Vedas chant the greatness of Parasara as of Manu. It " would therefore be difficult to determine the authoritative- " ness of the institutes of Parasara."

Madhavacharya, having proposed this question, proceeds to solve it :

Thus—

नच पराशरमहिक्रीडनीयत्वं वङ्गीनाम आहः पराशरस्य  
इति चतुर्षु पराशरपुत्रसमुपजीव्य आशक्त्युत्तमात् । वदा  
वर्गव्यक्तिपञ्चमहिक्रीडनीयत्वं वेदव्यावृत्तादि सुखे पराशरपुत्रसमुप-

जीव्यते तदा किमु वङ्गव्यक्तिपञ्चमहिक्रीडनीयत्वं पराशर इति । तस्मात्  
पराशरदोषोऽपि ननुब्रूयान एव । एव एव न्यायो वशिष्ठामित्रा-  
वल्क्यादिषु ब्रूयानोऽपि ।

" It is not true that Parasara's greatness has not " been chanted in the Vedas ; by the expression in the " Vedas " Vyasa, the son of Parasara, has said" Vyasa " has been extolled as the son of Parasara. The eminence " of Vyasa is universally admitted ; when, therefore, he has " been complimented in the Vedas for his being the son of " Parasara, it needs no mention, that Parasara's greatness " is beyond all question. Now, there remains no doubt, " that Parasara is, equally illustrious with Manu. Similar " reasoning should be applied to Vasishta, Atri, Yajna- " valkya and others ; that is, their greatness also being " sung in the Vedas, they are as exalted as Manu."

It is therefore indubitably established, that when all the sage authors of the Sanhitas are acknowledged to be equally wise and infallible ; when all of them have, in their respective works, given an exposition of the spirit of the Vedas ; and when they are all eulogized in the Vedas ; all of them ought to receive from us an equal tribute of respect. The only distinction consists in this, that one special Text of Smriti obtains precedence in a particular Yuga : the institutes of Manu was the paramount authority in the Satya-yuga, those of Gotama in the Treta, those of Sankha and Likhita in the Dwa-para, and those of Parasara is the cardinal Smriti in the Kali-yuga. Thus, the Smritis of Manu and Parasara





being appropriate to two different Yugas, there is no such relation between them that any contradiction could be possible.

From all that have been urged above, we come to the following conclusions—

The institutes of Manu and Parasara, being the leading Sastras of two different Yugas, can never be at variance with each other; the superiority of Manu and the invalidity of Smritis opposed to him, as advanced by Vrihaspati, refer to the Satya-yuga; in the Kali-yuga, the Smritis, which are even at variance with Manu, are received as authorities. Hence, there can be no objection to the validity of the marriage of widows in the Kali-yuga as ordained by Parasara, even though it were opposed to the institutes of Manu.

Let us now inquire whether the nuptial ordinance of Parasara, in respect of widows and other women, is at all at variance with Manu or other Smritis.

Manu says—

वा यत्ना वा परित्यक्ता विधवा वा सुवेच्छवा ।  
उत्पादयेत् पुनर्भूता वा पुनर्भूत उच्यते । 9. 175.

"If a woman, after becoming a widow, or being divorced by her husband, marries again, the son born of her of this marriage is called a Paunarbhava.

Vishnu says—

अवता भूयः संकृता पुनर्भूः । Ch. 15. !

"She, who continues a virgin and undergoes the ceremony of marriage for a second time, is called a Punarbhu."

Yajnavalkya declares—

अवता वा यता येन पुनर्भूः संकृता पुनः । 1. 67.

"She, who continues a virgin or otherwise, is called a Punarbhu, if she undergoes the ceremony of marriage for a second time."

Vasishtha pronounces—

वा च स्त्रीं पतितमुच्छतं वा पतिमुच्छज्जं चान्नं पतिं विन्दते  
चते वा वा पुनर्भूत उच्यते । Ch. 17.

"She, who having forsaken her lord for his impotency, degradation, or insanity, or on his death, takes another husband, is called a Punarbhu."

Thus, it appears, that Manu, Vishnu, Yajnavalkya, and Vasishtha, have admitted the remarriage of a woman, on the degradation, impotency, insanity, or the death, of her husband.

Some of the oppositionists have asserted that Manu and other Lawgivers, in making mention of the Paunarbhava (son born in the second wedlock of women), did not mean to legalize them, but only wanted to give a designation to such sons, should they happen to be born. This assumption, however, is gratuitous. No authorities warrant such a conclusion. For, those authors, who have declared the law with respect to sons, have one and all, regarded the Paunarbhava as a legal son.



Manu, after having defined the son of the body and the rest of the twelve kinds of sons, concludes with saying,

येनसादीन् सुतानेतानेकादय वयोदिशान् ।  
पुत्रमतिविधीनाहः श्रिवाचोपासनीयिभ्यः ॥ 9. 80.

"These eleven kinds of sons, the son of the wife and the rest as enumerated, are allowed by Rishis to be substituted, in order, for a son of the body, for the sake of preventing the failure of obsequies."

And,

चेदवः चेदवोऽभावे माधीवाक्यमवर्तते । 9. 185.

"On failure of the superior classes of sons, in succession, let the inferior in order take the heritage."

Yajnavalkya, also, after describing the son of the body and the other kinds of sons, says,

पिच्छदोऽग्रहरक्षेपं पूर्वमाग्ने यदः यदः । 2. 102.

"Among these twelve kinds of sons, when there is a failure of those named first, they, who are named next in order, become the heir and the offerer of the funeral cake."

Thus, when Manu and Yajnavalkya have declared the Paunarbhava to have a legal right to the heritage and to the performance of the Sraddha, the assertion of such son's being illegal should be utterly disregarded.

When, therefore, Manu, Yajnavalkya, Vishnu, and Vasishta admit the remarriage of women under certain contingencies, the conclusion that the marriage of widows is against the opinion of Manu and other Smriti writers must be quite unfounded. It would seem that this conclusion has been advanced by persons, who have not thoroughly studied Manu and other Jurists. It would be uncharitable to suppose, that with a full knowledge of the subject they have brought forward such an unfounded and a false statement.

The fact is, that the marriage of widows is not contrary to the opinion of Manu and other Jurists. The only thing to be marked is, that they designated the remarried females Punarbhus, and the sons, born in such second wedlock, Paunarbhavas: while, according to Parasara, such females and such sons are not to bear those designations in the Kali-yuga. This much is the extent of the difference of opinion between Parasara and the other Smriti writers. Had Parasara intended to continue those designations in the Kali-yuga, he would certainly have assigned the term Punarbhu to such females and reckoned the Paunarbhava in his enumeration of the several kinds of sons. That, in the Kali-Yuga, such females are not to be called punarbhus and such sons, instead of being designated Paunarbhavas, are to be reckoned sons of the body, is borne out by the prevailing practice. Mark, if after troth verbally plighted, the suitor happens to die, or the match is broken by some cause or other, before consummation of the marital rite, the marriage of the damsel takes place with another person. In the



preceding ages, such females were called Punarbhus and their issues Paunarbhavas.

Thus—

सप्त पौनर्भवाः सप्त वरुणीयाः कुशाधनाः ।  
 वाचा दत्ता मनोदत्ता कृतकौतुकमङ्गला ।  
 उदकस्पर्शिता वा च वा वाचस्पिन्धुतीक्ष्णा ।  
 अग्निं परिगता वा च पुनर्भूप्रभवा च वा ।  
 इत्येताः काश्यपेनोक्ता दहन्ति कुलमन्विताः ॥

"Seven Punarbhu (remarried) damsels, who are the despised  
 "of their families, are to be shunned ; the Vagdatta, she who  
 "has been plighted by word of troth ; the Manodatta, she  
 "whom one has disposed of in his mind ; the Krita-kautuka-  
 "mangala, she on whose hand the nuptial string has been  
 "tied ; the Udaka-sparaita, she who has been given away by  
 "the sprinkling of water ; the Panigrihita, she in respect  
 "of whom the ceremony of taking the hand has been  
 "performed ; Agnim parigata, she in respect of whom the  
 "marriage ceremonies have been completed ; and the Punar-  
 "bhu-prabhava, she who is born of a Punarbhu : these  
 "seven kinds of damsels described by Kasyapa, when mar-  
 "ried, consume like fire the family of their husbands."

Now a days the marriage of four kinds of Punarbhus, out of the seven enumerated above, namely the Vagdatta, the Manodatta, the Krita-kautuka-mangala, and the Punarbhu-prabhava has become current. Such females have no distinctive appellation, and are regarded, in all respects, equal to the wives married for the first time, though in former Yugas they were designated Punarbhus, and the

sons born of them, instead of being called Paunarbhavas, are to all intents and purposes, considered the same as the sons of the body. They offer funeral cakes to their parents, succeed to their estate, and perform all other stated duties just like a son of the body ; never, even by mistake, are they called Paunarbhavas.

It should now be observed, that, as the marriage of four, out of the seven kinds of Punarbhus of bygone ages, is now current, and they are deemed as reputable as women married for the first time, bearing even no distinctive appellation, and their issues undistinguished from the Aurasa putra (son of the body) ; if the second wedding of the remaining three Punarbhus were to come in vogue, by parity of reasoning, there would be no bar to their being regarded in the same light as wives married for the first time, and their sons being acknowledged as Aurasa putras (sons of the body).

Hence, then, as Parasara accords to the Punarbhu of the former ages the same right which is assigned to a once married woman, and to the Paunarbhavas of the past Yugas the same claims which are inherent in the Aurasa putra (son of the body), and as the prevailing custom upholds this opinion as regards the four kinds of Punarbhus and Paunarbhavas of the prior Yugas, there can be no doubt that remarried widows and their issue, though they might have been named Punarbhus and Paunarbhavas in the former Yugas, would now, in the Kali-yuga, be undistinguished from the first married wives and Aurasa putras (sons of the body) respectively.

The conclusion that sons of remarried widows are to



be regarded as Aurasa putras (sons of the body) in the Kali-yuga, is also fully supported by the authority of the Mahabharata wherein it is related, that there was a king of the Nagas, named Airavata, who married his widowed daughter to Arjuna, and the son born unto her by Arjuna, named Iravan, was reckoned as the Aurasa putra (son of the body) of Arjuna.

अर्जुनस्तत्पुत्रः श्रीमानिरावाज्ञान वीर्यवान् ।  
पुत्रावा नामराजस्य जातः वार्ष्णेन धीमता ॥  
देवावतेन वा इत्ता ह्यनपत्या महात्मना ।  
पत्नी हते सुपत्नेन सपत्न्या दीनचेतना ॥\*

"By Arjuna was begotten on the daughter of the king of the Nagas, the handsome and powerful son named Iravan: when her husband was killed by Suparna, Airavata, the magnanimous king of the Nagas, gave that dejected sorrow-stricken childless daughter in marriage to Arjuna, the third Pandava."

अज्ञानवर्जुनस्यापि निहतं पुत्रमौदवन् ।  
अज्ञान वनरे मूर्खान् दासकान् भीष्मदक्षिणः ॥

"Arjuna, not knowing this his Aurasa putra (son of the body) to have been killed, continued smiting the mighty kings who defended Bhishma."

Thus it appears that with the setting in of the

\* Bhishma Parva. Ch. 91.

Kali-yuga, • the Paunarbhava of the former Yugas, began to be reckoned and accepted as Aurasa putra (the son of the body).

We should now examine the spirit and real import of the Texts quoted by the oppositionists from Manu with the view of shewing that his opinion is adverse to the marriage of widows. The following half of one of the Texts of Manu has been cited by them to gain their object.

न द्वितीयस्य साध्वीनां कश्चिन्नर्तोपदिश्यते । 5. 162.

"And a stranger has not, in respect of a virtuous woman, been ever called her husband in any Sastras." But when its meaning and the purport of the context is considered, my adversaries will fail to attain their end.

Thus—

वृते भर्तारि साध्वी स्त्री ब्रह्मचर्यं व्यवस्थिता ।  
स्वर्गं गच्छत्यपुत्रापि वधा ते ब्रह्मचारिणः ॥ 5. 160.  
अपत्यसोभाया न स्त्री भर्तारमतिवर्त्तते ।  
तेह निन्दामवाप्नोति पतिहोकाश्च ह्रीवते ॥ 5. 161.  
नान्योत्पन्ना प्रजा शीघ्रं न साध्वन्यपरिपश्ये ।  
न द्वितीयस्य साध्वीनां कश्चिन्नर्तोपदिश्यते ॥ 5. 162.

"That virtuous woman, who after the decease of her hus-

\* मतेषु वदन्तु साहोऽनु मप्रधिकेषु च भूतसे ।  
कलेर्जतेषु वर्णाश्रामभवनं कुर्यात्पण्डिताः ॥

Six hundred and fifty three years after the Kali-yuga had commenced, the Kurus and Pandavas flourished.—Rajatarangini by Kalhana, Taranga I.





"band, observes the Brahmacharya, ascends to heaven though she have no child; like those Brahmacharis (abstemious men) who had no issue."

"That woman, who from a wish to bear children prostitutes herself, incurs opprobrium, and shall be excluded from the seat of her husband (in another world)."

"Issue begotten on a woman by a stranger, is no progeny of hers, and the child begotten on the wife of another man is no offspring of the begetter; and a stranger has not, in respect of a virtuous woman, been ever called her husband in any Sastras."

Vasishtha says—

अनयाः पुत्रिणां वीर्याः नापुनरुपजीविष्यन्ते । Ch. 17.

"Men having sons enjoy heaven to eternity; it is declared in the Vedas, that heaven is not decreed for him, who has no son."

If a childless widow, keeping this authority in view, fears her exclusion from heaven and, longing to gain it, receives the embraces of a stranger with the view of bearing a son, she brings disgrace upon herself and finds no place in heaven; for issue illegally begotten by a stranger, is not to be reckoned her rightful child. If it be questioned, why not regard the begetter as her husband, Manu answers, no, "such a stranger has not, in respect of a virtuous woman, been ever called her husband in any Sastras; that is, he, whom a woman, solely guided by her will, and in the hope of heaven, illegally betakes herself to, with the view of having a son procreated on her, can,

according to no Sastras, be regarded her husband. Since, all the Sastras have applied the term husband to that man only, with whom a woman has been married in due form established by law.

The proper import, therefore, of half the Text, quoted by the replicants, is, that if a widow, yearning for a son in the hope of heaven, prostitutes herself by receiving the embraces of a stranger, that stranger cannot be called her husband; otherwise, if it imply, that a woman can have no second husband even though she marry him in due legal form, it would jar with the injunction of Manu himself in respect of the Paunarbhavas, whom he allows to offer funeral cakes to their parents and succeed to their property.

The replicants have made a second attempt to establish the discordance of the marriage of widows with Manu, by accepting an absolutely verbal import of another half of a Text of Manu, without examining its bearing with the context.

Thus—

न विवाहविधानुक्तं विधवादेहनं पुनः ।

"In the nuptial ordinances there is no mention of the remarriage of widows."

But they have failed to see that if this Text were to be considered positively prohibitory of the marriage of widows, it would be at variance with Manu's own legalization of Paunarbhava. The half of the Text, cited above, taken by itself, may some how be construed in the spirit in which they have interpreted it; but when viewed in



its relation with the context and the end and scope of the author, this interpretation can never be maintained.

Thus—

- देवराज्ञा वसिष्ठाज्ञा स्त्रिया वस्यन्निवृत्तया ।  
 प्रजेष्टुताधिनमस्या वस्यन्मरिचिने ॥ 9. 59.  
 विधवायां निवृत्तयु चूताज्ञो वास्यतो निधि ।  
 यक्षमुत्पादेत् पुत्रं न द्वितीयं कचक्षुः ॥ 9. 60.  
 द्वितीयमेव प्रजनं मन्वन्ते स्त्रीषु तद्विदः ।  
 अनिर्हन्तं निवोनामं यक्षन्तो धर्म्यतस्तयोः ॥ 9. 61.  
 विधवायां निवोनामं निर्हन्ते तु वधाविधि ।  
 गुरुवश्च क्षुवावश्च वसो वातां परस्परम् ॥ 9. 62.  
 निवृत्तौ यौ विधिं हित्वा वसो वातान् कानतः ।  
 तावन्तौ वसितौ स्त्र्यातां क्षुवागयुवतस्तयोः ॥ 9. 63.  
 मान्वाश्चान् विधवा गारी निवोक्तव्या द्विजातिभिः ।  
 अन्वक्षिन् हि निवृत्तानां धर्म्यं हन्तुः वनातनम् ॥ 9. 64.  
 मोहाहिमेषु मन्वेषु निवोनः कीर्त्यते कश्चित् ।  
 न विवाहविधानुक्तं विधवावेदनं पुनः ॥ 9. 65.  
 अयं द्विजैर्हि विद्वद्भिः समुपपन्नो विमर्हितः ।  
 मनुष्याणामपि मोक्षो वेद्ये राज्ञं प्रयाचति ॥ 9. 66.  
 व महीमखिलां भुञ्जन् राजर्षिप्रवरः पुरा ।  
 यक्षानां वद्वरं यजे कामोपहतचेतनः ॥ 9. 67.  
 ततः प्रकृति यो मोहात् प्रकीर्यति यो स्त्रियम् ।  
 निवोवस्यपत्न्यायै तं विमर्हन्ति वाधयः ॥ 9. 68.

"On failure of issue, a wife, duly authorized, may have  
 "the desired son begotten on her by the husband's brother or  
 "by some other kinsman."

"Sprinkled with clarified butter and silent, in the night,  
 "let the man thus appointed beget one son, but a second by  
 "no means, on that widow."

"Some sages, versed in the rules of appointment, thinking  
 "that the legal object of the appointment may not be answered,  
 "by the birth of a single son, enjoin the procreation of a  
 "second son on the widow."

"The object of the appointment having, in respect of the  
 "widow, been legally accomplished, they both (the widow  
 "and the man appointed) are to live like a daughter-in-law  
 "and a father-in-law."

"They two, who being appointed for the above purpose,  
 "deviate from the strict rule and act from carnal desire,  
 "shall be degraded and deemed the one as having defiled the  
 "bed of his daughter-in-law, and the other as having  
 "criminally lived with her father-in-law."

"By men of twice born classes no widow must be autho-  
 "rized to conceive by a stranger ; by such an authorization  
 "to conceive by a stranger, chastity is ruined."

"Nowhere in the nuptial Texts, has Niyoga (appointment)  
 "been mentioned, and in marital ordinances, the Vedana  
 "(acceptance for the purpose of procreating) of a widow is  
 "not alluded to."

"This practice, fit only for cattle, is reprehended by the  
 "learned twice-born ; it is said to have been the custom  
 "even amongst men, while Vena had sovereign power."

"That great monarch, having grasped the whole earth,  
 "and having lost sense through lust, gave rise to the Var-  
 "na-sankara (mixed classes)."

"Since that time, the virtuous condemn that man who,  
 "through delusion of mind, appoints a widow to have a son  
 "procreated on her."



Now, on duly considering these Texts, would it appear that they treat of the marriage of widows or of Kahetrāja putras (sons born on the wife by another)? The first Text introduces and the last concludes the subject of Kahetrāja putra. When, therefore, the proem and the sequel relate to injunctions and prohibitions respecting the kahetrāja putra and all the intermediate Texts allude to the same subject, there can be no doubt that this section treats of the procreation of a son on another's wife. As regards the Text (included in the above cited ones), on the strength of which the oppositionists urge that the marriage of widows is against the opinion of Manu, I have to say that, as in the first half of it the word Niyoga has been used, which clearly and indisputably signifies direction for the procreation of a son on another's wife, the ambiguous term Vedana in the second half must also be taken, regard being had to the context, in the sense of acceptance of another's wife for the procreation of a son. The verbal radix Vid (to accept), from which the word Vedana is derived, means to accept the hand of a woman, either in marriage or for the purpose of procreating on her a Kahetrāja son; Vedana, therefore, signifies marriage or taking for the above purpose, according as it is used in a passage relating to nuptial matters or to the practice of Niyoga or appointment.

Thus—

न वनोत्तं न वनामववदं भाव्यं विन्देत ।\*

\* Vishnu Smṛiti. Ch. XXIV.

"A damsel of the same kin *Na vindeta*, that is, one "should not take as a wife."

Here, the passage relates to nuptial matters, and the derivative *Vindeta* from the verb *Vid* necessarily signifies taking the hand in marriage.

Again—

वस्त्रा विन्देत कन्याया वाचा वस्त्रे कते वसिः ।

नामनेन विधानेन निजो विन्देत देवः ॥

ववाविध्वधिनम्यैनां मुक्तवन्तां मुचिन्नवात् ।

निजो वजेदामववात् वस्त्रं वस्त्रतावतौ ॥

"The damsel, whose suitor dies after troth verbally "plighted, but before consummation, his brother, according "to this rule, *Vindeta*, that is, shall take for the purpose of "begetting a son on her."

"Having taken in due form such a girl, bearing all the "marks of widowhood, for the above purpose, let him ap- "proach her once in due season and until issue be had."

Here the Texts obviously treat of Niyoga or direction for the procreation of a son on another's wife: hence, the verb *Vid*, through its derivative *Vindeta*, is accepted in the sense of taking for the procreation of a son &c. It is conclusive, therefore, that, in the following Text—

न विवाहविधाकुलं विधवावेदं पुनः ।

"In the matrimonial ordinances the *Vedana* of a woman "is not alluded to."



the word Vedana, derived from the verb Vid, being used in the passage relating to Niyoga, must necessarily mean acceptance for the procreation of a son; otherwise, all sense and consistency would be destroyed. The two interpretations of the Text in question are here placed in juxta position, to enable the reader to judge of their respective correctness and appositeness.

"Nowhere in the nuptial Mantras (specific Texts) has "Niyoga (direction for the procreation of a son &c.) been mentioned, nor in the matrimonial ordinances *has the taking of a widow for the procreation of a son on her been alluded to.*"

"Nowhere in the nuptial Mantras (specific Texts) has "Niyoga (direction for the procreation of a son &c.) been mentioned, nor in the matrimonial ordinances, *has the marriage of a widow been alluded to.*"

Manu, in this passage, wishes to interdict Niyoga Dharma (practice of appointment), and, therefore, distinctly prohibits it by saying that among all the Mantras (specific Texts) relating to marriage, there are none, which make mention of Niyoga, nor is there in the injunction relating to marriage any allusion to Vedana, (accepting of a woman for the purpose of procreating a child on her): that is, as Niyoga (direction for &c.) is a means for the generation of progeny, and as the great object of marriage is the begetting of a son, Manu reckons Niyoga and Vedana as a sort of marriage, and from the circumstance of their not being mentioned in the nuptial Mantras or marital ordinances, concludes Niyoga to be illegal. It is

hard to conceive that having, in the first half of a Text in the section on Niyoga, prohibited the procreation of a Kshetraja son, he would, in the second half of it, introduce the irrelevant and impertinent prohibition of the marriage of widows. It is quite in keeping with the section on Niyoga to say, that the Niyoga Dharma is not mentioned in the nuptial mantras, but it does not accord with the spirit of that section to say, that the marriage of widows is not alluded to, in the marital ordinances. Why would the question of the marriage of widows be suddenly started, while the author is discussing the Niyoga Dharma? In fact, in the Text in question, the term Vedana has been used and not the term Vevaha (marriage). The Vedana has the double import of taking the hand in marriage and acceptance for the procreation of a child according to the Niyoga Dharma. Here it unquestionably means, from the context, accepting a woman for the procreation of a child on her. They, who attempt to make it here signify formal marriage and thereby to establish the prohibition of the marriage of widows, betray only their ignorance of the spirit of the passage.

That this section treats of Niyoga only, and not the marriage of widows, would be further corroborated by what Vrihaspati, the preceptor of the gods, has said in reference to these Texts of Manu.

Thus—

उक्तो निबोधो मनुना निविद्धः स्वयमेव ह ।  
दुमहाबादयत्योरं कर्तुमनैर्वधानतः ॥





तयोपानयनादङ्गाः कृतमेतादिके नराः ।  
 द्वापरे च कसौ नृणां यज्ञिहानिर्दि निर्मिता ॥  
 कनेकथा कथाः पुना अपिभिर्न पुरातनैः ।  
 न यस्याख्येयुना कर्तुं यज्ञिहीनरिदमनैः ॥०

"Manu himself has enjoined Niyoga (direction for &c.)  
 "and has himself interdicted it. Human power decreasing  
 "according to the Yugas, people are not able strictly to  
 "follow the Niyoga rules; men in the Satya, Treta, and  
 "Dwapara Yugas were given to devotion and austerities and  
 "blessed with higher intellectual powers, but in the Kali-  
 "yuga, the human race has degenerated; the various kinds  
 "of sons which were created by the sages of old, cannot now  
 "be created by the weak mortals of the present age."

That is, in the section on Niyoga, Manu has, in the first five Texts, clearly ordained the Niyoga, while in the remaining five, he has as clearly interdicted it. It would be certainly absurd for the same person enjoining and prohibiting the same thing in the same breath. The auspicious Vrihaspati has solved this difficulty, by declaring that Manu intended to refer the injunction for Niyoga to the Satya, Treta, and Dwapara Yugas, and its prohibition to the Kali-yuga: hence it appears undeniable, from Vrihaspati's exposition of the section on Niyoga in the institutes of Manu, that it treats only of that subject.

It should also be observed here, that the institutes of Narada are a portion of the institutes of Manu. Narada

\* Quoted by Kuluka Bhatta.

having abridged the larger work of Manu, his compilation has been styled the Narada-Sanhita, just as the work, which now passes under the name of Manu Sanhita, is sometimes called the Bhrigu-Sanhita, because, it has been compiled by Bhrigu. We find in the beginning of the Narada Sanhita the following passage:

अनवान् मनुः प्रजापतिः सर्वभूतानुपहार्यमाचारस्मितिहेतु-  
 भूतं शास्त्रं प्रकाशत् । तदेतत् स्त्रीकप्रतयहस्तमासीत् । तेना-  
 ध्यायवहस्तोऽयं मनुः प्रजापतिरुपनिषत् देवर्षेण नारदाय प्राव-  
 षत् । च च तस्मादधीत्य महत्साधारणं पन्थः सुकरो मनु-  
 ष्याणां भारविद्यमिति दादयमिः बह्वैः बह्विधेयं तच्च सुमतये  
 भाग्यदाय प्रावच्छत् । च च तस्मादधीत्य तथैवावुह्युवादासी-  
 नसी मनुष्याणां यज्ञिरिति शास्त्रा चतुर्भिः बह्वैः बह्विधेयं ।  
 तदेतत् सुमतिस्तुतं मनुष्या अपीयते । विस्तरेण प्रतयाह्वयं  
 देवगन्धर्वादयः । जलावनायाः स्त्रीषो भवति

आसीदिदं तमोभूतं न प्राप्तायत विद्युन् ।

ततः सुवर्धुर्भगवान् प्रादुरासीच्छतश्रुः ॥

इत्येवमधिकृत्य क्रमात् प्रकरणात् प्रकरयन्मनुज्ज्ञानम् । तत्र  
 न नवमं प्रकरणं व्यवहारो नाम यस्मै देवर्षिनारदः इत्य-  
 क्षानीनां नाह्वयं प्रकाशत् ।

"The auspicious Manu has prepared his Sastra as a means  
 "for preserving the purity of the Acharas (practices) of mor-  
 "tals. Manu having written that work in a hundred thou-  
 "sand couplets, arranged in a thousand chapters, delivered  
 "the work to Narada, the divine sage, who studied it  
 "under Manu himself, and thinking it difficult for men to be



"edified in the Sastra, comprised in a work of so great a magnitude, abridged it into twelve thousand verses, in order to render it easy of acquisition. The Epitome he gave to a descendant of Bhrigu, named Sumati, who having received instructions in it from him, and observing the decrease of human power owing to the diminution of the period of human life, further reduced it into four thousand verses. Mortals read only this abridgment by Sumati, while Devas (gods) and gandharvas (heavenly choristers) study the primary great work consisting of hundred thousand verses, which commences with the following couplet. 'This universe was involved in darkness, nothing was perceptible : then appeared the auspicious and quadruped Brahma the uncreated Being.' After this commencement, the various sections follow each other in regular succession ; among them the ninth is on the administration of justice ; thus the divine Narada has introduced the subject."

It is manifest, therefore, that the institutes of Narada are but the essence of the larger edition of the institutes of Manu, Narada having epitomized the great work of Manu, comprised in a hundred thousand couplets. Now, as has been shown elsewhere, that in Narada's abridgment of the institutes of Manu, there is an injunction for the remarriage of women under five predicaments, namely, when tidings are not received of a husband and the like, such an injunction is to be considered not only as delivered by Parasara but also by Manu himself; for this reason, in Madhavacharya's commentary on Parasara, the Text beginning with "On receiving no tidings of a husband &c." has been quoted as the Text of Manu."

Thus—

मनुस्मृति

यदे चते प्रसूयते स्त्रीये च पतिते पतौ ।

पश्चात्पुनः नारीणां पतिव्रज्यो विधीयते ॥

"Manu also has said,

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

We are thus warranted in concluding that the marriage of widows, instead of being opposed to, is perfectly in accordance with, the opinion of Manu, and when Parasara cites the above Text of Manu verbatim and literatim, it is a vain attempt to prove that the marriage of widows is against the law of Manu.

#### CHAPTER IV.

##### THE MARITAL TEXT OF PARASARA IS NOT OPPOSED TO THE VEDAS.

Some of the replicants have attempted to prove, that the injunction of Parasara for the remarriage of females is contrary to the spirit of the Vedas. Their object in so doing is, that as the Vedas are the paramount authority in this country the ordinance of Parasara, if opposed to



them, cannot be accepted as a rule of conduct, inasmuch as it has been settled by Vedavyasa, that

युतिस्मृतिपुराणानां विरोधो न ह इत्युक्ते ।  
यत्नं चोक्तं प्रमादतस्ततोर्ध्वं कृतिर्वरा ॥

"Where variance is observed between the Veda, the Smṛiti, and the Purāṇa, there the Veda is the supreme authority : where the Smṛiti and Purāṇa contradict each other, Smṛiti is the supreme authority."

The following is the Vaidic Text cited by the oppositionists :

वदेकस्मिन् यूपे द्वे दमने षट्पितृवति तस्मादेवो द्वे जावे विन्देत ।  
यद्येकां दमनां द्वयोर्यूपयोः षट्पितृवति तस्मादेका द्वौ पती विन्देत ॥

"As round a single Yupa (sacrificial post) two tethers can be tied, so a man can marry two wives. As one tether cannot be tied round two Yupas, so a woman cannot marry two husbands."

Their assumption, that the marriage of widows is an anti-vaidic doctrine, rests on this Text alone. My adversaries, on meeting with the passage "a woman cannot marry two husbands," have jumped to the conclusion that the marriage of widows is opposed to the Vedas. This is not, however, the real purport of this Text of the Vedas. The meaning of the above cited passage is, that as round a single Yupa two tethers can *at the same time* be fastened, so one man can *at the same time* have two wives ; and as one tether cannot *at the same time* be tied

round two Yupas, so one woman cannot *at the same time* have two husbands ; not that, on the death of the first husband, she cannot have a second. This interpretation is not merely the result of my individual cogitation ; it is corroborated by a Text of the Vedas themselves, quoted by Nilakantha, one of the Commentators of the Mahābhārata, and by his exposition of that Text.

Text—

नैकस्या बहुवः बहु पतवः ।\*

"A woman cannot have many husbands *together*."

Commentary—

वदेति वृणपदस्य पतित्वनिषेधो विहितो न तु वनवनेदेन ।†

"The word Saha (*together*) in this Vaidic Text means that "a woman is prohibited from having many husbands *at the same time*, but her having many husbands *at different times* "is not reprehensible."

Thus, the attempt of my adversaries to prove the marriage of widows as opposed to the Vedas has failed. They ought to have considered that the Rishis, who are admitted to have compiled in their Sanhitas the spirit of the Vedas, would never have permitted such marriage, nor could the practice have prevailed in ancient times, had it been interdicted in the Vedas.

\* This Text has also been quoted by Madhavaacharya in his commentary on the Parāśara Sanhita.

† Adī Parva, Ch. 195.



## CHAPTER VIII.

RESTRICTIONS OF DIRGHATAMA ARE NOT PROHIBITORY  
OF THE MARRIAGE OF WIDOWS.

Some of the replicants have asserted upon the authority of the following Text, quoted from the Adi Parva of the Mahabharata, that a woman should have only one husband in this world :

दीर्घतमा उवाच ।

अद्यममति मर्त्यादा मया लोके प्रतिष्ठिता ।  
एक एव पतिर्मांसां वाचस्मीयं परावस्यन् ॥  
यते जीवति वा तस्मिन्नापरं प्राप्नुवाच्चरन् ।  
अभिमन्य परं गारी पतिव्रति न संशयः ॥

They have interpreted the Text thus—"Dirghatama says: that a woman shall adhere to *one* husband only during her life. Neither after his death nor during his lifetime, shall she have intercourse with another man. If she have such intercourse, she shall surely be degraded." If this interpretation were correct, their objection to the marriage of widows would certainly be valid. But the Text has a different signification altogether. It means that a woman should adhere to her husband *alone* as long as she lives ; neither after his death nor during his lifetime, shall she have intercourse with another man &c. The passage appears to have reference to criminal connection which was prevalent in early ages, and not to marriage.

That adultery did prevail in early ages, is observed in another part of the Mahabharata.

Thus—

कृतावदी राजपुत्रि स्त्रिया भर्ता पतिव्रते ।  
मातिवर्तस्य दत्तेवं धर्मं धर्मविदो विदुः ॥  
येनेत्यन्तेषु कायेषु स्नातव्यं स्त्री विचार्यति ।  
धर्ममेवं जनाः धनः पुराणं परिचक्षते ॥\*

Pandu says to Kunti. "O Chaste Princess ! persons learned in religion admit it to be the religious duty of women not to neglect their husbands during the menses : at other times, women may gratify their own inclinations, and pious men have sung of this ancient Dharma (practice)."

That is, during the menses, women, for the sake of the genuineness of the offspring, should attend their husbands only, and not have intercourse with other men ; but at other times, they might live with other men. This practice was sanctioned in early ages by pious men. Dirghatama issues his injunction to put a stop to this long prevailing practice of women indulging themselves according to their inclinations, and his prohibition of intercourse with other men evidently refers to *adultery*, not to *second marriage* contracted agreeably to the Sastras. The same will appear from the context :

पुत्रसाम्राज्यं वा पत्नी न दुर्लोभं पतिं तदा ।  
महिषनीं पतिर्मांसां विंशं हेयोति चामरीन् ॥

\* Mahabharata. Adi Parva. Ch. 122.





प्रहेलुवाच ।

मायां वा मरुतामृतां वासनां पतिः स्यात् ।  
 अहं तं मरुतं ज्ञत्वा मायां च वसुतं वद ।  
 निजकार्यं मनेषासां न मरेत् महात्मनः ॥  
 तस्मात्तद्वचनं श्रुत्वा ऋषिः कोपयमन्वितः ।  
 प्रहेलुवाच ततः पत्नीं प्रहेलीं वसुतां तदा ।  
 जीवतां क्षमिष्येति वचनार्थं भविष्यति ॥

प्रहेलुवाच ।

तदा दत्तं धनं विमं मेच्छेत् दुःखकारकम् ।  
 वसेत् कुत्र विमोक्षं न मरेत् तथा पुरा ॥

दीर्घतमा उवाच ।

अद्यमभूति मयांदा मया सोमे प्रतिष्ठिता ।  
 वक्त्र एव प्रतिर्गतां वाक्पत्नीं परावक्ष्यम् ॥  
 अने जीवति वा तस्मिन्नापदं प्राप्नुवाच्चरन् ।  
 अभिमन्यं पतं मारी पतिव्रति न संशयः ॥  
 अयतोमान् मारीयामद्यमभूति पातकम् ।  
 वद्यसि चेहमं वचं उवाचोमा भवन्त ताः ।  
 अकीर्तिः परिवादाश्च निजं तासां भवन्त ये ॥  
 इति वक्ष्यन् श्रुत्वा प्राज्ञास्त्री मृगकोपिता ।  
 मङ्गायां जीवतामेव पुत्रा इत्येवमवसीत् ॥  
 सोममोक्षमिच्छांते पुत्राश्च जीवतादयः ।  
 पद्मोदये परिचितश्च मङ्गायां वसवाक्ष्यम् ॥  
 मङ्गादन्वय उहं न मर्त्योऽवमिति स्या ह ।  
 पिबन्विता ततः मूराः प्रतिजगमुदयो मङ्गलम् ॥

"Dirghatama's wife, who had already offspring, no longer gratifying him, Dirghatama asked her the reason why she alighted him. She replied 'a husband maintains his wife and is therefore called Bharta, (supporter). He takes care of her and is therefore called her Pati (lord); but you are born blind, and I have been always put to as much trouble as possible to support you and your children. I will do so no more.' Hearing this from his wife, the Rishi, full of anger, asked his wife and children to take him to the king whereby they would gain wealth. His wife rejoined : 'I do not want wealth acquired by you; you can do what you like; I will no longer maintain you.' Dirghatama said, 'from this day I ordain, for this world, that a woman shall adhere to her husband alone as long as she lives. Neither after his death nor during his lifetime, shall she have intercourse with another man. She who does so shall be surely degraded. From this day, women, neglecting their husbands and having intercourse with other men, shall be sinful, shall not be able to enjoy riches if they are possessed of any, and shall always be infamous.' Dirghatama's wife, hearing this, asked her sons to throw him into the Ganges. Gotama and other sons, blinded by avarice, and thinking it useless to support a blind and an old father, tied him to a float and left him floating on the river."

It is evident from the above, that Dirghatama resenting his wife's refusal to support him any longer, enjoined that a woman shall adhere to her husband alone, and that women neglecting their husbands shall be sinful. Seeing himself alighted by his wife, he imagined she was thinking of abandoning him, to have intercourse with



another man ; and being wrathful at this, he issued his injunction to put a stop to the long prevailing practice of women indulging themselves according to their inclinations. This practice was regarded as a Dharma by pious men in early ages, and they imputed no guilt to it. Consequently, Dirghatama's wife would not have been culpable or sinful by adopting it ; and hence Dirghatama ordained, that a woman committing adultery shall be degraded and culpable. If Dirghatama's injunction be interpreted to imply that a woman shall not have intercourse with another man or marry him under any circumstances, even in accordance to the injunctions of Sastras, how could Dirghatama himself immediately after procreate a Kahetrāja son on Sudeśhna the queen of King Vali.

चोरमुक्षीतस्तदा विप्रः ब्रह्मणो बह्वचरा ।  
 जगाम सुबह्वन् देवान्यस्तेनोक्तुमेव च ।  
 तस्य राजा बलिर्नाम सर्वभक्ष्यविदां वरः ।  
 क्षपयन्त्यस्मिन्मृतः क्षीतवाभ्यासनागतम् ॥  
 जयाह वै न भर्तृणां बलिः क्षपयराजसः ।  
 क्षातैव च च बलिश्च पुत्रार्थे भरतर्षभ ॥  
 बन्धानि मृगयामास भाव्यं तु नम मानद ।  
 पुत्रान् चर्षाभिरुपवसानुसादयितुमर्हति ।  
 एवमुक्तः च तेजसी तं तपेत्सुहृदावपि ।  
 तस्यैव राजा क्षां भाव्यं सुदेशां प्राद्विषीतदा ॥

"The blind Brahmana, floating at random in the stream,  
 "passed through many countries. King Vali, superior to all  
 "in the knowledge of religion, was bathing in the Ganges,  
 "when he saw the old Brahmana floating close to him on

"the stream. The king immediately seized him, and learn-  
 "ing all the particulars, requested him to procreate a vir-  
 "tuous and able son on his queen. Dirghatama accepted the  
 "offer, and the king sent Sudeśhna to him."

Hence, if Dirghatama's injunction had condemned as sinful a woman's intercourse with another man than the husband, even according to the rules prescribed by the Sastras, he himself would not have agreed to violate his own injunction, by undertaking to procreate a son on the queen of king Vali. He would have certainly prevented the king from giving his queen to another man for the procreation of a son. Again, in another part of the Mahabharata, it will be found that Arjuna married the widowed daughter of the Naga-rajā Airavata. If Dirghatama's injunction had been prohibitory of the marriage of widows, then Naga-rajā Airavata, after the issuing of the injunction, would not have offered his widowed daughter in marriage, and Arjuna also would not have married the widow. In fact, the procreation of sons by another man, and remarriage after the death of the husband, are consonant to the Sastras ; and Dirghatama's condemnation of the long prevailing practice of adultery, not sanctioned by Sastras, cannot interfere with these. Hence, it is evident that Dirghatama has prescribed his rule only to prohibit the long existing evil practice of adultery

Let us examine the passage in another way. Even admitting that it has reference to the remarriage of women, it cannot by any means be said to support the opposi-



tionists in their assertion that the injunction of Dirghatama is prohibitory of such marriage. For, as the Text does not mention any particular Yuga, it is to be considered as a general rule applicable to all the Yugas. The Text of Parasara applies, as has already been stated, to the Kali-yuga only, and is therefore a special rule on the subject. As in cases where there are both general and special rules, the latter always supercede the former, so in the present instance, Parasara's rule must supercede that of Dirghatama. Should Dirghatama's rule be admitted to apply to the Kali-yuga only, even then, it cannot be understood to prohibit the remarriage of women altogether. For, this rule enjoins general prohibition, while Parasara makes five exceptions in which remarriage is allowable. The special rule must supercede the general one.

## CHAPTER X.

### THE PARASARA SANHITA TEACHES THE DHARMAS OF THE KALI-YUGA ALONE AND NOT OF OTHER YUGAS.

Some have raised an objection, that it is not only the Dharmas of the Kali-yuga that have been set down in the Parasara Sanhita, but the Dharmas of the other

Yugas have been set down also. The purport of this objection seems to be, that if it is proved that the Dharmas of the other Yugas, besides those of the Kali, had been declared in the Parasara Sanhita, then the rule, which Parasara has laid down for the marriage of widows and other wedded women, would apply to those Yugas and not to Kali; and thus the marriage of widows would not be consonant to the Sastras in the Kali-yuga. In the Parasara Sanhita, the sacrifice of the horse; the eating of the rice of a Dasa, Napita, Gopala, and some others of the Sudra caste; the shortening of the period of Asaucha (impurity) of a twice-born in case he is a student of the Vedas &c. are enjoined. The opponents, supposing these to be the Dharmas of Satya, Treta, and Dwapara, and not of Kali, have raised the objection under review. But, from what has been proved before, it is clear that the sole object of the Parasara Sanhita is to enjoin the Dharmas of the Kali-yuga alone. So, there is not a shade of plausibility to suppose, that the Dharmas of the other Yugas should be enjoined in that Sanhita. The sacrifice of horse &c., therefore, from the purport and aim of the Sanhita, cannot be proved to be the Dharmas of the other Yugas alone. The opponents, finding in the Adi, Vrihannaradiya and Aditya Puranas the sacrifice of the horse &c. interdicted in the Kali-yuga, have concluded them to be the Dharmas of the other Yugas. The line of argument they seem to have adopted in their minds is this: "In the preceding Yugas the sacrifice of the horse &c. were permitted and performed. But it is found that in some



Sastras they are prohibited in the Kali-yuga. They, therefore, cannot be the Dharmas of that Yuga. Hence, when they are enjoined in the Parasara Sanhita, it is evident that in that Sanhita the Dharmas of the Yugas other than the Kali are set down also."

In order to meet this objection, we should see, in the first instance, whether the interdiction of the Adi, Vrihannaradiya, and Aditya Puranas have, all along in the Kali-yuga, been observed as such. We have no history of the manners and customs of our country. Complete success, therefore, in the inquiry is impossible. But, from as much as can be learned by a careful investigation, it is clearly demonstrated that the interdiction of the Puranas, mentioned above, has not been observed as such. We have distinct evidence of some of those Dharmas having been performed in the Kali-yuga which are interdicted in those three works. When, therefore, in the face of the interdiction, those Dharmas have been performed, how can it be maintained that the interdiction has been properly observed as such? The marriage of a wedded woman; the allotment of the best share to the eldest brother; sea-voyage; turning an ascetic; the marriage of the twice born men with damsels not of the same caste; procreation on a brother's widow or wife; the slaughter of cattle in the entertainment of a guest; repast on flesh meat at sacrifices for the satisfaction of departed ancestors; entrance into the order of Vanaprastha (hermit); the giving of a damsel to a bridegroom a second time, after she has been given to another; Brahmacharya continued for a long

time; the sacrifice of a man, horse, or bull; walking on a pilgrimage till the pilgrim die; entrance into fire; the rule of expiation for Brahmanas extending to death; the filiation of no other sons than the Dattaka (son given) and Aurasa (son by birth); the diminution of the period of Asaucha, (impurity) in proportion to the purity of character and the extent of erudition in the Vedas; the eating of edibles offered by a Dasa, Napita, Gopala &c. of the Sudra caste; these Dharmas and some others are stated in the Adi, Vrihannaradiya and Aditya Puranas as those, the observance of which is interdicted in the Kali-yuga. Of these, the sacrifice of horse, entrance into fire, turning an ascetic, Bramacharya for a long time, sea-voyage, distant pilgrimage and the marriage of widows are the Dharmas, of the observance of which in the Kali-yuga we have clear evidence.

Thus:—

The Pandavas, who flourished 653 years after the Kali-yuga had commenced, performed the sacrifice of horse and went on a distant pilgrimage. These are facts so well and universally known, that to adduce proofs thereof is superfluous. It has also been stated before (P. 76.) that Arjuna married the widowed daughter of the Naga-*raja* Airavata.

A king of the name of Sudraka flourished a few centuries before the birth of Vikramaditya. We have clear evidence of his having performed the sacrifice of horse and of entering fire.





Thus :—

अश्वेदं बालवेदं गवितमत्र कदा वैश्वीं कृत्स्निमिच्छां  
 आत्मा अर्चयन्वादाह्वयमगतमिदं चक्षुषीं चोपबभूव ।  
 राजानं वीक्ष्य पुत्रं परमवसुदेवनाम्नेभ्यः चेष्टा  
 अन्वा चातुः प्रताडं दशदिनवर्द्धितं गुरूचोरज्जिं प्रविष्टः ॥ \*

"He (Sudraka) was well versed in the Rik and Sama Vedas,  
 "in the Mathematical Science, in the sixty-four elegant arts,  
 "and the management of elephants : by the favor of Siva  
 "he enjoyed eyes uninvaded by darkness, and beheld his  
 "son seated on the throne : after performing the exalted  
 "Aswamedha (the sacrifice of horse) and having attained the  
 "age of an hundred years and ten days, he entered the  
 "fatal fire."†

\* Mricchhakatika. Prelude.

† In the chapter of prophecies in the Skanda Purana we find a  
 mention of this Sudraka.

Thus :—

निपुणं सर्वकृत्स्नं कथंवांतेषु पार्श्विण ।  
 निघते च दशम्युगे स्रुतां भुवि भविष्यति ।  
 गुरूचो नाम वीराख्यमभियः विद्वत्तमः ॥  
 कथान् सर्वान् पापकथान् पङ्क्तिान् चो हनिष्यति ।  
 चर्चितानां वसाराध्य सद्यते भूभरायतः ॥  
 ततस्त्रिंशद्वर्षेण दशमधिकशततमे ।  
 भविष्यं मन्दराज्यं चाणक्यो वान् हनिष्यति ।  
 गुरूचोर्ध्वं सर्वपापनिर्मुक्तिं चोरभिसद्यते ॥  
 ततस्त्रिंशद्वर्षेण दशमधिकशततमे च ।  
 भविष्यो विजयनादिको राज्ञं चोरं प्रचक्षते ॥

We have clear evidence of a king of the name of Pravarasena having four times performed the sacrifice of aswamedha. Distinct mention of this is made in the title deed of the gift of land, which he made to a Brahmana of the name of Devasarmacharya.

Thus :—

चतुरवर्षेणवाजिनः विष्णुवर्द्धनोमहत्तमः काटकाणां  
 महाराजचीप्रवरसेनस्य राजादि ।\*

"King Pravarasena the performer of four sacrifices of  
 "horse, descended from king Vishnu-rudra, the sovereign  
 "of Kataka &c."

It is also mentioned in this title deed that the ancestors of Pravarasena ten times performed the sacrifice of horse.

Thus :—

दशवर्षेणवाजिनः दशवर्षाणां \*

"Performed ten times the sacrifice of horse."

"3200 years after the Kali-yuga has commenced, there will be a King on this earth of the name of Sudraka. He will be a great hero and one of the principal devotees. He will destroy all the sinful and potent sovereigns and contemplating and worshipping the Divinity at Charvita he will acquire success in Yoga (devotion). Twenty years after that, the descendants of the Nanda family will become sovereigns. Chanakya will destroy this Nanda family and contemplating and worshipping the Divinity at Sukla-tirtha will expiate his sins. 690 years after that, Vikramaditya will become king."

\* See P. 728 Asiatic Society's Journal Nov. 1896.



We have also evidence of Mihirakula, a king of Kasmira, having entered fire.

Thus :—

य वर्षवर्षति भुक्ता भुवं भूखोक्मैरवः ।  
भूटिरोनाहिंरवपुः प्राविशन्मातवेहवन् ।\*

"Of fiery disposition, King Mihirakula, after enjoying "sovereignty for seventy years and being attacked with many "diseases, entered fire.

King Mihirakula led his army to Singhala (Ceylon) and deposed the sovereign of the Islands from his throne. From this, it is evident, that at his time sea-voyage was not considered as a prohibition.

Thus :—

य जात देवीं संवीरविहङ्गायुक्कवपुः ।  
हेमपादाहितकुचां ददा जन्माव मन्मना । 296.  
चिह्नकेषु मरेन्द्राङ्गमन्मनाः शिवते यतः ।  
इति कवुकिना दृष्टेनोक्तो बालां व्यधाततः । 297.  
य चिह्नकेषु य वनं चरन्मातुदपाठवत् ।  
चिदेव चरन्सुदमिवाद्योक्मनां वपन् । 298. \*

"The Queen had worn a bodice manufactured at Singhala..  
"King Mihirakula, seeing foot marks in gold upon her  
"breast, was all inflamed with ire. On enquiring, the eu-

\* Rajatarangini by Kahlana, Taranga I.

"nuch of the female apartments replied ' On clothes manu-  
"factured in Singhala they imprint the foot marks of their  
"sovereign. On hearing this, the king marched to invade  
"Singhala. King Mihirakula fought a battle with the king  
"of Singhala and thus appeased the anger, which he felt  
"from the circumstance of the foot marks of the latter hav-  
"ing touched the breast of his queen."

There is clear evidence of king Jayapira having sent his ambassador to Singhala. This, therefore, is an additional proof, that it was usual then to undertake sea-voyages.

Thus :—

शान्तिविपश्चिकः शोचन् जलम् शोचन्मुहोरमुषी ।  
माम् पारं विनिष्काशति निज्जलम् निजः । 503. \*

"The ambassador fell into the sea from the vessel. A  
"whale swallowed him up. He burst assunder its stomach  
"and came out."

We find that Matrigupta, a king of Kasmira, adopted the Dharma of an ascetic.

Thus :—

यस्य वाराहवीं मत्ता जतकापावर्षयतः ।  
यं वपुःसु सुखो जातयुगोऽभवत्ततिः । 322. †

\* Rajatarangini by Kahlana, Taranga IV.

† Rajatarangini by Kahlana, Taranga III.



"Afterwards the pious and virtuous Matrigupta, giving up every thing worldly, went to Benares and wearing red clothes adopted the Dharma of an ascetic." \*

King Suvastu in the year 1018 of the Sanvat, the era of Vikramaditya, erected a temple to Siva of the name of Harshadeva. In the tablet, which was attached to the temple, distinct mention is made of his having observed a life-long Brahmacharya.

Thus :—

आत्मसमस्तप्राप्तौ दिव्यमवस्थानः संवत्सरा तपस्वी  
जीवन्मृत्युमैवैवमवस्थानमतिस्वच्छं सारमोहः ।  
आसीद्यो ब्रह्मज्ञाना नवतरंगपुत्रं वत्सलः श्रीसुवस्तु-  
सेनेदं धर्मविदोः सुवर्णितविषयं कारितं हर्षहृदयम् । †

"That Suvastu, who observed a life-long Brahmacharya, remained naked, restrained his passions, led the life of a hermit, was devoted to the worship of Harshadeva, was devoid of all attachment to the infatuations of the world, had accomplished the object of human existence, and was a handsome person, has for pious purposes erected the well constructed and the vast temple of Harshadeva."

आसीद्यैविकल्पो यो जीवन्मृत्युमवस्थानः । †

"He observed a life-long Brahmacharya and was a devoted Sivite."

\* Even in the present age, it is usual for persons, in all parts of India, to become ascetic.

† See P. 378 Asiatic Society's Journal, July 1835.

From all this, it clearly appears that the sacrifice of horse, distant pilgrimage, entrance into fire, the adoption of the life of an ascetic, Sea-voyage, Brahmacharya of long duration, and the marriage of wedded women, are the Dharmas which have been observed in the Kali-yuga. There is not the least doubt that the Hindus of the olden times had greater knowledge of Sastras and had entertained a greater veneration for them than those of the Kali-yuga. They however, without observing the prohibition of the Adi Purana &c., used to perform the sacrifice of horse, entered the fire, and so on. From this, it is clearly proved, that the Hindus of those ages did not desist from the exercise of the actions which had the sanction of the Smritis, from the mere circumstance of their performance being prohibited in the Puranas. It is stated in the Aditya Purana, that

इतानि लोकमुपगच्छं कवेरादौ महात्मनिः ।

निवर्तितानि कर्माणि स्वस्वप्राप्तयेनं युगे ।

"These (that is Aswamedha &c.) have been legally abrogated, in the beginning of the Kali-yuga, by the wise and magnanimous, for the protection of men."

and for confirming what the wise and magnanimous have said, it is stated at last, that

ब्रह्मज्ञानं वाच्यं नानां वेदवज्जने ।

"The decision of the virtuous is authority like the Vedas."

When in the face of this dictum, the Hindus of olden times used to perform the Aswamedha, without minding the prohibitions of the Puranas, there is not the least



doubt, that these prohibitions were neither considered nor respected as such. Besides, there is a prohibition in the Aditya Purana of the filiation of any other sons than the Dattaka (son given) and the Aurasa (son of the body). But the inhabitants of Benares and the neighbouring districts are in the practice of taking Kritrima sons. It is for this, that Nanda Pandita, in his Dattaka Mimansa, has decided, that

इत्येवं कतिपयस्यपुत्रप्राप्त्यर्थं चौरवः चेन्नमन्वेदहः  
कतिपयः पुत्र इति कतिपयस्यप्राप्त्यर्थं परापरकृत्यात्।

"On the failure of the son of the body, like Dattaka we can take also a Kritrima son; because, Parasara has ordained that in the Kali-yuga, there should be three sorts of sons, the Aurasa, the Dattaka and Kritrima."

That is, though according to the prohibition of the Aditya Purana, there could, in the Kali-yuga, be but two classes of sons, the Dattaka and the Aurasa, yet when Parasara, in declaring the Dharmas of Kali, has sanctioned the filiation of the Kritrima, this latter also becomes canonical. Distant pilgrimage, we find, is mentioned as a prohibition in the Aditya Purana. But it is unknown to none that even now many persons go on distant pilgrimages. The prohibition of the rule of expiation for Brahmanas extending to death is a prohibition without having ever been observed; for the celebrated Udayanacharya, who defeated (in controversy) the Buddhists and established on a firm basis the Vaidic religion, ended his life by burning himself to death. Very

lately, a distinguished personage\*, with the view of expiating his sins, observed the rule of expiation extending to death and starved himself till his life ended, with the sanction of all the Pandits of Benares.

When, therefore, Parasara has given his sanction to the performance of the sacrifice of horse with reference to the Kali-yuga, and when clear evidence is found of kings at different periods of the Kali-yuga having performed the sacrifice, it becomes a Dharma which may be observed in the Kali in common with the other Yugas. The shortening of the period of Asaucha (impurity) similarly, when mentioned in the Parasara-sanhita as a Dharma of the Kali, becomes such without a shadow of doubt. The reason, however, why we do not see the Brahmanas of the modern times shorten their periods of impurity, is that Parasara has given his precept for the shortening of this impurity with reference to them alone, who perform every day sacrifices at the altar and who every day study the Vedas.

Thus:—

एकाहान् शुध्यते विप्रो योऽपि वेदमन्त्रितः ।  
त्र्यहान् केवलवेदस्य द्विहीनो दमनिर्हिनेः ॥

"The Brahmana, who performs every day sacrifices at the altar and every day studies the Vedas, shall be cleared of impurity in one day, and he, who simply studies the Vedas, in three days. He, who neither performs the one

\* The late Samaachurn Banerjee.





"nor studies the other, shall be cleared of impurity in ten days."

Since, now a days, every-day sacrifice and the study of the Vedas have fallen into disuse, the shortening of the period of impurity has in consequence been disused. And when in the Parasara Sanhita the eating of the *Anna* (edibles), offered by a Dasa, Napita and Gopala &c. of the Sudra caste, has been mentioned as a Dharma of the Kali-yuga, that it is such there cannot be the least doubt. It might be urged, that if according to Parasara, the eating of the edibles, of a Dasa &c. in the Kali-yuga be allowable, are the three superior castes (the Brahmans, Kahatriyas and Vaisyas) then allowed to eat the *anna* of those Sudras? I think they are allowed to eat and they do generally eat. A careful consideration of the purport of the Text in which Parasara gives this permission and of the two Texts that precede, shall make even my opponents agree to this.

Thus :—

सुखाद्यं गोदधं खेचं मूत्रवेष्टनं क्षान्तम् ।  
यत् किमप्युच्यते यत् भोज्यं तन्नमुरमशीत् ॥

"Dried edibles, that is unboiled rice ; cowjuice, that is milk, and oil, when brought from the house of a Sudra and cooked at the house of a Brahmana, becomes purified and Manu has declared that *anna* (edibles) to be acceptable as food."

This Text states that a Brahmana may, without incurring guilt, bring to his home unboiled rice &c. given to him

by a Sudra, and eat them after having them cooked at his own house. It is inferentially to be understood, therefore, that he incurs guilt by eating them, after having them cooked at a Sudra's house.

आपत्काले तु विमेष भुक्तं मूत्रकृच्छ्रे यदि ।  
जनसाधेन युज्येत द्रुपदी वा यत्तं जपेत् ॥

"At the time of danger, if a Brahmana eats at the house of a Sudra, he will be cleared of all impurity by repentance, or by repeating the Drupada Mantra a hundred times."

That eating at the time of danger at a Sudra's house, after cooking the edibles there, is not reprehensible, clearly appears from this Text. It is inferentially evident, therefore, that eating at a Sudra's house after cooking the edibles there, at other times than those of danger, is reprehensible.

दासनापितगोपाककुलमित्राश्चोदिरिचः ।  
यते मूत्रेण भोज्यान्ना वक्ष्यात्मानं निवेदयेत् ॥

"Of the Sudra caste, Dasa, Napita, Gopala, Kulamitra, and Ardhasiri are the classes, and those that come for help are the individuals, whose *anna* may be eaten ; that is, the unboiled rice &c., which they might offer, may be eaten, after being boiled or cooked at their houses."

By these three Texts it is clear, that if a Brahmana eats even the unboiled rice &c., offered by a Sudra, after cooking them at his (the Sudra's) house, he eats the *anna* of a Sudra ; the unboiled rice &c., given by a



Sudra, do not become the *Anna* of a Sudra, when brought home and eaten after being cooked. At times of danger however, these edibles might be eaten at a Sudra's house after cooking them there. But the unboiled rice given by a Dasa, Napita, or a Gopala and so forth may, without incurring guilt, be eaten after cooking or boiling it at his house, whether at times of danger or at other times.

Now let my readers judge what harm is there in accepting this sort of *anna* of a Sudra. Some have understood the word Sudranna (*anna* of a Sudra) to mean the boiled rice of a Sudra. This, however, cannot be the meaning of the word here. Had it been so, there would not have been in the Aditya Purana the prohibition of the cooking of the *anna* of a twice born by any one of the Sudra caste, immediately after the prohibition of the eating of the *anna* of Dasa, Napita &c. of the Sudra's. \* When, of the two prohibitions, one after the other, in the one that comes last, the cooking of the *anna* is distinctly mentioned, the first prohibition, as a matter of course, must refer to uncooked *anna*. It must be considered also that even unboiled rice of the Sudras is treated in the Sastras as Sudranna.

गृहेषु दासगोपाककुलनिर्माहं वीरिषाम् ।  
अग्न्याशना ऋक्षस्य तीर्थेवातिदूरतः ॥  
मांसमादिषु गृह्य पक्तादिक्रियापि च ।

\* The eating of the *anna* by a grihastha (householder) of the twice born classes offered to him by a Dasa, Gopala, Kulamitra, and Ardhasiri of the Sudra caste; distant pilgrimage; the cooking of a Brahmana's *anna* by a Sudra (are prohibited in the Kali-yuga).

Thus :—

आमं गृह्य पक्तां पक्नुमिहमुच्यते ।\*

"The unboiled *anna* of a Sudra is to be considered as boiled; the boiled *anna* of a Sudra as an offal."

The explanation that has been given above of the word Sudranna is corroborated by a discussion on the subject by the Smarta Bhattacharya Raghunandana.

Thus :—

आमस्य दक्षिणमपि भोजनभावे तद् द्वापस्थितं गृह्यम् । तथाचा-  
हिराः

गृह्येकज्ञान विमेषाच्चैरं वा यदि वा दधि ।

निष्ठतेन न भोज्यं गृह्यं तदपि स्मृतम् ॥

निष्ठतेन गृह्यान्निष्ठतेन । अपि शब्दात् साक्षात् दूत-  
तण्डुलादि । सन्द्वागते पुनरहिराः

यथा वतस्ततो ह्यापः युजिं बान्नि नदीं गताः ।

गृह्यादिपक्वेष्वन्नं प्रविष्टन्नु सदा युजि ॥

प्रविष्टेऽपि स्त्रीकारापेक्षामाह पराशरः

तावन्नवति गृह्यं बाधन्न स्युयति द्विजः ।

द्विजातिकरसंस्पृष्टं सर्वं तद्विद्व्यते ॥

स्युयति ऋद्धातीति कल्पतरुः । तच्च सन्धोष्य पाप्मानाह  
विष्णुपुराणम्

सन्धोषयित्वा ऋद्धीवात् गृह्यं ऋद्धमागतम् ।

\* Tithitattwa, Durgapujatattwa.



वत्सु ब्राह्मणदेव पाशुनाहाङ्गिराः

सुपात्रे वत्सु विन्यस्यं दुग्धं वत्सुति नित्यम् ।

ब्राह्मणरत्नं पाशुं दुग्धं सत्सु आगतम् ।

एतेषु सत्सु आगतस्यैव पुत्रं तद्दुग्धतया ब्राह्मणदोष-  
भाजितं प्रवीयते ।

"Even unboiled rice offered by a Sudra and eaten at his house becomes Sudranna ; for Angira has said, that 'A Brahmana, who has ceased eating Sudranna, should not drink even milk or curd at a Sudra's house, for that also is Sudranna.' On the subject of unboiled rice &c., Angira has said again, that 'As water, coming from any part, becomes purified the moment it has fallen into the river, so unboiled rice &c. on their very entrance from a Sudra's house to a Brahmana's, becomes purified.' Parasara has said that Sudranna, even after it has entered a Brahmana's house, in order to be purified, requires his acceptance : thus—'So long as a Brahmana does not accept it, it remains Sudranna ; a touch of his hand purifies it.' In the Vishnu Purana, it has been stated that Sudranna should be accepted after being washed or sprinkled with water : thus—'When Sudranna comes to one's own house, it should be accepted after being sprinkled.' Angira has stated that Sudranna is to be received on a different plate from that on which it is brought : thus—'The milk or curd which a Sudra makes a gift of, on his own plate, when brought to one's own house, should be accepted after being placed on a different plate.' From these, it is demonstrated that unboiled rice &c. given by a Sudra lose all impurity when brought to one's own house ; when they remain at a Sudra's, they have the impurity of Sudranna."

From all these considerations, therefore, it is evident that starting from the preconceived notion that the sacrifice of horse &c. are not the Dharmas of the Kali-yuga, it is no way consistent with reason to come to the conclusion, that because these Dharmas are sanctioned in the Parasara Sanhita, Parasara has not only declared the Dharmas of the Kali-yuga, but has also declared those of others, and that consequently Parasara Sanhita does not teach the Dharmas of the Kali-yuga alone.

## CHAPTER. XX.

### THE FATHER CAN MAKE A GIFT OF HIS WIDOWED DAUGHTER.

Many have stated the question, in the form of an objection, "that in marriage, who is to make the gift of a widow ? When the father has once given her away, his right in her has ceased. When he has no right in her, how can he dispose of her by giving her again to another in marriage ?"

We have at present in our country two sorts of marriage "the Brahma" and "Asura," that is by a gift or sale of the daughter. Here the words "gift" and "sale" do not exactly mean what they mean elsewhere. In ordinary cases, a man can make a gift or sale of a thing, if he has a right in it. He loses his right in that thing, if he once makes a sale or gift of it, and consequently cannot



make a sale or gift of it again. From time immemorial, this law prevails with reference to the gift or sale of land, house, garden, cattle &c. There seems, however, to be no analogy between such sale or gift, and sale or gift of a daughter. In the case of land, cattle &c. no one can make a gift or sale, if he has no right therein. Should he happen to make such a gift or sale, it becomes null and void. But this rule does not hold with reference to the gift of a daughter. Gift in marriage is not actual but merely nominal. The framers of our Sastras have enjoined the disposal of the daughter in marriage under the designation of gift. The marriage is consummated on any one's making this gift. The marriage is valid and complete by the gift of the bride by a person who could have no right whatsoever in her, equally with her gift by him who may have an actual right in her. In the case of ordinary things, no person can make over by gift a thing to another when he has no right in that thing, while a bride can be made over in gift by any person of the same caste.

Thus—

पितुः दद्यात् स्वयं कन्यां भ्राता वागमतः पितुः ।

मातामहो मातुलश्च बह्वृक्षो बाल्यवस्थया ।

भ्राता स्वभावे सर्वेषां प्रकृतौ यदि वर्तते ।

मह्यानमजविद्यानां कन्यां दद्यात् स्वभातवः ।\*

"The father should himself make the gift of the daughter, or the brother should do so with the permission of the fa-

\* Narada-smṛiti, quoted in the Udvahatattva.

"ther. The maternal grand father, the maternal uncle, "persons descended from the same paternal ancestor, and "persons with whom there are ties of consanguinity, shall "make the gift of the bride. In the absence of all these, the "mother, if she is in her sane state, shall make the gift, "if she is not, the gift shall be made by persons of the same "caste."

Mark now, if it had been the intention of the framers of our Sastras, that the same rule shall hold with reference to the gift of a bride as with reference to the gift of land, cattle &c., that is, he alone who has a right in her shall be entitled to make the gift, then how could persons of the same caste be entitled to make the gift? If any one has a right in her it is her father and mother alone. The others can have a right in her by no possibility. If the rule had been, that like the gift of land, cattle &c., the gift of a bride shall be made by him alone who has a right in her, then the framers of the Sastras would not have stated the maternal grand father &c. as persons entitled to make the gift, or why would they make the mother the person last entitled to make the gift? She should have been, in that case, held second to the father only. In fact, there cannot be the same right in a daughter as there is in land, cattle &c.; if there had been, the giving away of a bride in marriage without the knowledge and consent of the father, by any other person, would have been considered null and void, being a gift by a person who had no right whatsoever. But it is not a rare occurrence, that sometimes persons give away females in marriage, under such circumstances.





Why are such marriages valid ? Why cannot the father lay complaints before a court of justice, and make void the gift of his daughter by a person who had no right whatsoever in her ? The gift of another's land and cattle is never valid. It becomes void when a complaint is lodged before a court of justice. From all these considerations, therefore, the gift of a bride is merely nominal and is founded on no right whatsoever. If then the gift of a daughter is founded on no right whatsoever in her, and if it is a gift merely nominal and is enjoined by the Sastras as only a part of the marriage ceremony, there is nothing to prevent the father to give her away in marriage again, if her husband is dead, or in any other contingencies specified in the Sastras. As in the Text quoted above, sanction is given to the gift of a female on her first marriage, so in other Texts like sanction is given, in certain contingencies, to the gift of her on her remarriage.

Thus:—

व ह वदन्वजातीवः पतितः स्त्रीं एव च ।  
विचर्यन्तः वनोत्तो वा दासो दीर्घान्वोऽपि वा ।  
जडापि देवा वान्त्यौ वहावरणभूषणाः ।

" If after wedding, the husband be found to be of a different caste, degraded, impotent, unprincipled, of the same Gotra or family, a slave, or a valetudinarian, then a married woman should be bestowed upon another decked with proper apparel and ornaments."

Mark ! sanction is here give to *give away again* a wedded female in marriage in due form. If the circumstance

of having given away a daughter once in marriage were a bar to her being made a gift of on the occasion of remarriage, then the great sage Katyayana would not have given clear sanction to her being made over to another as a gift, on her husband being found to be degraded, impotent, valetudinarian &c. Moreover, it is not only that we find a mere sanction, but clear evidence is found that a father *did make* the gift of a widowed daughter on the occasion of her remarriage.

Thus—

अर्जुनस्यात्मजः श्रीमानिरावात्मजं योर्वैभवं ।  
सुतायां नागराजस्य जातः पार्थेन धीमता ॥  
ऐरावतेन वा दत्ता ह्यनपत्या महात्मना ।  
पत्नौ हते सुपथेन जपया दीनचेतना ॥

" By Arjuna was begotten on the daughter of the Nag-raj, " a handsome and powerful son named Iravan. When her " husband was killed by Suparna, Airavata, the magnanimous " king of the Nagas, made a gift of that dejected, sorrow-stricken, childless daughter to Arjuna."

When, therefore, the gift of a daughter is, as proved above, not founded on right, but only forms a part of the marriage ceremony, when there is clear sanction in the Sastras to make the gift of a daughter on the occasion of her remarriage with all the rites and ceremonies of marriage, and when we have clear evidence of a widowed daughter having been made over as a gift on the occasion of her remarriage ; the objection that, after the gift of the daughter, the father has lost all his right in her



and therefore cannot give her away a second time in marriage, is altogether unreasonable. The fact is, those parties, who are entitled, according to the Sastras, to make the gift of a female on the occasion of her first marriage, can also do so on the occasion of her remarriage.

## CHAPTER XXII.

THE MANTRAS (NUPTIAL TEXTS) TO BE USED ON THE OCCASION OF A SECOND MARRIAGE ARE THE SAME, AS THOSE THAT ARE USED ON THE OCCASION OF A FIRST MARRIAGE.

Some of the Replicants object to the remarriage of widows on the ground, that there are no Mantras for such marriage, and that therefore it cannot be contracted. This seems to be a futile objection. There is nothing in the Mantras used on the occasion of a first marriage to make it valid, which would prevent their being used on the occasion of a second. Those Mantras, that sanctify the first matrimonial connexion, shall also sanctify the second.

It has already been indisputably established that Manu, Vishnu, Vasishtha, Yajnavalkya, Narada, and Katyayana have enjoined the remarriage of women under certain contingencies. But if the Mantras, prescribed for the first marriages, had not been applicable to remarriages, those Rishis would certainly have prescribed other Mantras

for them, as no marriage is valid without Mantras. When, however, there are no such separate Mantras, the sanction of the Rishis for remarriage would be absurd, if the Mantras for the first marriage were not applicable to the second. The *mere intercourse* of the sexes can never be called the *Sanskara* (rite) of marriage, which requires the application of proper Mantras in due form. If the *remarriage* of women were *mere intercourse* with men, not duly sanctified by proper Mantras, the authors of our Sastras aforesaid would not have applied the word *Sanskara* to it also. Thus,

Manu says :—

वा यत्ना वा परित्यक्ता विधवा वा स्त्रियेष्टवा ।

उत्पादयेत् पुनर्भूता च पौनर्भव उच्यते ॥ 9. 175.

वा चेदक्षतयोनिः स्नातप्रत्यागतापि वा ।

पौनर्भवेष्ट भर्ता वा पुनः संस्कारमर्हति ॥ 9. 176.

“ If a woman after becoming a widow, or being divorced by her husband, marries again, the son born of her of this marriage, is called a Pannarbhavn. If she be a virgin, or if she leave her husband and return to him, she is again entitled to the *Sanskara* or ceremony of marriage.”

Vasishtha says :—

यायिपदे चते वावा नेवचं मन्त्रसंस्कृता ।

वाचेदक्षतयोनिः स्नात पुनः संस्कारमर्हति ॥ Ch. 17.



"She, who is married but continues a virgin, is again entitled to the *Sanakara*, if her husband dies."

Vishnu says :—

अवता भूतः संकृता पुनर्भूः । Ch. 15.

"She, who, though married, continues a virgin and undergoes the *Sanakara* for a second time, is called *Punarbhū*."

Yajnavalkya says :—

अवता च अता येव पुनर्भूः संकृता पुनः । 1. 67.

"She, who continues a virgin, or otherwise, is called *Punarbhū*, if she undergoes the *Sanakara* for a second time."

When, therefore, Manu, Vishnu, Vasishtha, Yajnavalkya, Parasara and other writers of our *Sastras*, have enjoined the remarriage of women under certain contingencies; when they have denominated such marriage "the *Sanakara of marriage*"; when the word *Sanakara* can by no means be applied to a mere intercourse of the sexes, not sanctified by Mantras; when they have legalized the issue of such marriages; and when, at the same time, they have not prescribed a different set of Mantras for them, the Mantras, now used in first marriages, should certainly be used in the second, especially as there is nothing in those Mantras which would make them inapplicable to remarriage of females.

Some of the oppositionists contend for the inapplicability of the existing Mantras to remarriage of women on the strength of the following Text of Manu :—

पाणिपहयिका नन्वाः कन्याखेव प्रतिष्ठिताः ।

नाकन्यास कविद्वयां कुपप्रवर्गक्रिया हि ताः ॥ 8. 226.

"The nuptial Texts are applied solely to *Kanyas* or virgins, and nowhere to *Akanyas* or girls who have lost their virginity; since they are excluded from the performance of religious duties."

Here I have to observe that in the Text, above cited, Manu, by the word *Akanya*, does not mean *widows* but girls who have lost their virginity before marriage by illicit intercourse with men, as is evident from the last part of the clause "*Since they are excluded from the performance of religious duties.*" No Hindu can assert that widows are excluded from those duties. On the contrary, such widows, who would prefer widowhood to remarriage, are enjoined by the *Sastras* to pass their lives in the performance of such duties.

### CHAPTER XIII.

IN MATRIMONIAL ALLIANCES UNMARRIED DAMSELS ARE  
PREFERABLE TO MARRIED ONES IN THE SAME WAY  
AS UNMARRIED MEN ARE TO MARRIED ONES.

While dwelling upon the subject of the remarriage of widows, it should be considered that the following Text of Yajnavalkya enjoins marriage with an unmarried girl :



अविभुतमक्षय्यो वचसां स्त्रियनुदहेत् ।  
अनन्वपूर्विकां कामानवविहतां वनीवरीन् ।\*

"After leading the life of a student in the Vedas, a person should marry an unmarried, amiable damsel, inferior in age, with auspicious physical signs, and without the pale of consanguinity."

From this as well as other Texts upon the subject, the oppositionists try to establish that a married damsel should not be married again.

This conclusion is no way consistent with the precept of Manu, Yajnavalkya, Vasishtha, Vishnu, and other sages, who have in their Sanhitas given sanction, in certain contingencies, to the remarriage of married women. For, if the conclusion of my adversaries be admitted, the sanction of the sages alluded to becomes absurd. In fact the true purport of the Text is, that when a person is entering into matrimonial alliance, he should prefer an unmarried bride to a married one, just as in the bestowal of a daughter, an unmarried person should be preferred to a married one. As in the Text of Yajnavalkya a man is enjoined to marry an unmarried damsel, so in the following Text of Baudhayana it is laid down that a daughter should be bestowed on an unmarried man :

पुत्रशीक्षिते विद्याय ब्रह्मचारिष्वेऽर्चने देवा ।†

"A daughter should be bestowed on a suitor studied in the Vedas, virtuous, wise and *unmarried*."

\* Yajnavalkya-sanhita. 1. 52.

† Quoted in the Udvahatattwa and Yajnavalkya Dipakalika.

If from this we infer that the bestowal of a daughter on a person once married is altogether prohibited, the inference would jar with other Texts in which we find, that on the demise of a wife, on her barrenness, or under other contingencies, male persons are permitted to marry again. To reconcile this apparent discrepancy, we must conclude that the Texts refer to different degrees of preference. A similar conclusion must be arrived at with regard to the marrying a virgin or a married damsel. In fact marrying a damsel once married is as much a case of second preference on the part of a man, as marrying a male person once married is on the part of woman.

This is a conclusion which has been arrived at by the Smartha Bhattacharya Raghunandana also.

Thus :—

बोधायनः पुत्रशीक्षिते विद्याय ब्रह्मचारिष्वेऽर्चने देवा ।  
ब्रह्मचारिष्वे अजातस्त्रीसम्पर्कैरेति कस्यतश्चाश्रयवत्कदीप-  
कलिके । जातस्त्रीसम्पर्कस्य द्वितीयविवाहे विवाहादकदापि-  
भीषापत्तेस्तदुपादानं प्रायश्चार्यमिति तत्त्वम् ।\*

"Baudhayana has said that a daughter should be bestowed on a suitor studied in the Vedas, virtuous, wise and *unmarried*. From a too literal interpretation of this, it would appear that daughters should be bestowed on *unmarried persons only*, and that the remarriage of a man once married does not fall within any of the eight classes of marriage. We are to understand, therefore, that by the use of the adjective '*unmarried*' Baudhayana has meant that

Udvahatattwa.





"the bestowal of a daughter on an *unmarried* person is a *case of first preference*."

In fact, a little observation would show, that the framers of the Sastras have on such matters laid down equal rules for both the sexes.—They have ordained that, before betrothment, inquiry as to the family and character of the bridegroom is as much necessary as that of the bride.\* After the marriage is contracted, they make

- \* अविभक्तमक्षयचर्यो वक्षसां स्निग्धमुदरेत् ।  
 अमन्त्रपूर्विकां कामानवयिष्यतां वरीवरीम् । 1. 52.  
 अरोमिणीं आत्मनोऽनवधानागर्भेणोत्तमान् ।  
 वक्षसात् वक्षसादूह जाततः पितृतक्षसा । 1. 53.  
 दम्पत्यवयिष्यातात् चोलिवाण्यां महाकुलान् ।  
 स्त्रीमादयि न वक्षारिदोऽवयवम्वितात् । 1. 54.  
 यतैरेव गुणैर्बुधः स्वयं चोलिवो वरः ।  
 वक्षसात् वरीवितः पुंसे बुवा भीमान् जनप्रियः । 1. 55.

"After leading the life of a student in the Vedas, a person should marry a damsel, unmarried, amiable, with auspicious physical signs, inferior in age, without the pale of consanguinity, having no incurable disease, having a brother, not descended from the same line of ancestors, and five degrees without the mother's side and seven without the father's. A bride should not be selected from the family which has a blemish or is subject to contagious disease notwithstanding it be very distinguished, celebrated for ten generations, possessed of riches, corn &c., and one in which the Vedas are every day studied. The bridegroom also should be possessed of these attributes, should belong to the same caste and should be an every day student of the Vedas. Moreover every care should be taken to ascertain whether the bridegroom is possessed of *Potency*. It is necessary also that he should be youthful, intelligent and amiable." *Yajurvediya*.

it as much a duty of the husband to please the wife, as that of the wife to please him. Want of chastity they make as sinful on the part of man as on that of woman† As they have ordained man to marry again on the demise of his wife or on her proving barren &c., so they have ordained woman to marry again on the demise of her husband or on his proving impotent &c. Marrying a woman once married they have made as much a case of second preference on the part of man, as marrying a man once married on the part of woman.—But unfortunately

- \* वक्षसो भार्यया भर्ता भर्ता भार्या तथैव च ।  
 वक्षिष्येव कृते नित्यं वक्षसां तत्र वे भुवन् । 3. 60.

"Constant prosperity attends the family in which the wife pleases the husband and the husband pleases the wife." *Manu*.

- वक्षानुबुधं दम्पत्योऽस्तिवर्गस्तत्र वक्षते । 1. 74.

"The family, in which the wife and the husband keep each other pleased, and behave well towards each other, is one in which virtue, riches and enjoyment increase." *Yajurvediya*.

- † सुव्रतयाः पतिं नास्तीं अक्षयमश्ति पातकम् ।  
 अथ यद्विवाहं चोरं भविष्यत्यक्षयपातकम् ।  
 भार्या तया सुव्रतः वीरारक्ष्यचारिणीम् ।  
 पतिमवयवितदेव भविता पातकं भुवि ।

"Henceforward, a woman that will transgress her husband shall incur the deep guilt of feticide. And the husband that will transgress a wife well-behaved and chaste, shall incur the same guilt." *Mahabharata, Adi Parva, Ch. cxiii*.



man, the stronger sex, arrogates to himself rights which he is not willing to accede to weak woman. He has taken the Sastras into his own hands and interprets and moulds them in a way which best suits his convenience ; perfectly regardless of the degraded condition to which woman has been reduced through his selfishness and injustice. A sight of the wrongs of the women of modern India is really heart-rending. To respect the female sex and to make them happy are things almost unknown in this country. Nay men, who consider themselves wise and are esteemed as such by others, take a pleasure in the degraded state of the females.

Manu has declared :—

पितृभिर्भ्रातृभिश्चेताः पतिभिर्देवैरक्षया ।

पूज्या भूषयितव्याश्च वक्तुं कल्याणमीशु मिः ॥ 3. 55.

यत्नं नार्थं कुरु पूज्यन्ते रमन्ते तत्र देवताः ।

यत्नेतास्तु न पूज्यन्ते सर्वकामाफलाः क्रियाः ॥ 3. 56.

शोचन्ति ज्ञानवो यत्नं विनश्यत्तायु तत् कुचम् ।

न शोचन्ति तु यत्नेता यद्गते तद्वि सर्वदा ॥ 3. 57.

ज्ञानवो ज्ञानि मेहाणि प्रयत्नप्रतिपूजिताः ।

ज्ञानि कल्याणतानीति विनश्यन्ति यत्नवतः ॥ 3. 58.

" Fathers, brothers, husbands, brothers of husband &c.,  
" who wish for happiness and prosperity, should respect women  
" and keep them adorned in clothes and ornaments. The  
" gods remain propitious to the family, in which the females  
" are respected. Sacrifices and gifts are productive of no  
" fruits in the family, in which women are not respected.

" The family soon goes to destruction, in which the females  
" are not respected. The family, in which the females are  
" happy, always rises in happiness and wealth. When, not  
" being properly treated and respected, women curse fami-  
" lies, the latter utterly perish, as if destroyed by Kritya." •

Unfortunately this salutary rule regarding the treatment of women is scarcely followed ; and the evil consequences, usually attendant upon a transgression of such a golden rule, are everywhere visible.

## CHAPTER XXIV.

### THE CUSTOM OF THE COUNTRY IS NOT A STRONGER AUTHORITY THAN THE SASTRAS.

I have, to the best of my ability, explained the true meaning and purport of the Texts quoted by the Repliants with the object to prove the nonconformity of the marriage of widows to the Sastras. I will now endeavour to meet another objection which they have made with regard to the introduction of the practice. The opponents have urged that even if the remarriage of widows be consonant to the Sastras, it should not prevail, being opposed to the custom of the country. Anticipating such an objection, I pointed out in my first pamphlet a Text from Vasishtha, to shew that the Sastra is a

\* A Female Deity, to whom sacrifices are offered for the destruction of an enemy.



stronger authority than custom. But as I imagine that only one Text has not been considered sufficient by my opponents, I will cite other authorities on the subject.

Thus :—

धर्मो विज्ञानात्मनामनां प्रमाणं परमं नृतिः ।

द्वितीयं धर्मशास्त्रं तृतीयं लोकसंपदः ।\*

"Those that wish to know what Dharma are, for them "the Veda is the highest authority, the Smriti the second, "and Custom the third."

Here we see that custom is held as the weakest authority ; and the Veda and the Smriti are stronger authorities :

Again :

न बल वाचाद्विधवो न निषेधाः नृतो कृतो ।

देवाचारकुलाचारेण धर्मो निरूप्यते ।†

"Where there are no direct sanctions or prohibitions laid "down in the Veda or the Smriti, the Dharma are to be "ascertained from an observation of the custom of the coun- "try and of the family."

Thus it is distinctly stated that custom is to be followed on those matters only on which there are no precepts in the Sastras.

Further :

कृतं चेद्विरोधे न परित्यागो यथा भवेत् ।

\* Mahabharata, Anusasana Parva.

† Skanda Purana.

तमेव कौशिकं वाक्यं कृतिवाधे परित्यजेत् ।\*

"As Smriti is not to be accepted when it is opposed to the "Vedas, so custom is not to be respected when it is at vari- "ance with Smriti."

So when Smriti and custom are opposed to each other, custom is not to be followed.

When we see, therefore, that there is distinct sanction in the Sastras for the marriage of widows, to attempt to establish that it should not prevail, because it is opposed to the custom of the country, is acting in direct opposi- tion to the opinion and precept of the framers of our Sastras.

## CHAPTER XXV.

### CONCLUSION.

Every one, having the senses of sight and hearing, must acknowledge how intolerable are the hardships of our widows especially of those who have the misfortune to lose their husbands at an early age ; and how baneful to society are the effects of the custom which excludes them from the privilege of marrying again. Reader ! I beseech you to think seriously for a while upon the sub- ject, and then to say whether we should continue slaves to such a custom, regardless of the precepts of our Sastras

\* A Smriti quoted in the Prayogaparjate.



or should we throw off the yoke, and resting on those holy sanctions, introduce among ourselves the marriage of widows, and thus relieve those unfortunate creatures from their miseries. While forming your decision, you should bear in mind that the customs of our country are not immutable in their nature. No one can assert that they have never undergone any change. On the contrary, the present inhabitants of India would appear to be altogether a different race, were you to compare their customs with those that prevailed in days of old amongst their ancestors. One instance will suffice to illustrate the truth of this statement. It was considered a heinous offence in a Sudra, if, in ancient times, he durst be seated on the same carpet or mat with a Brahmana; but the Brahmanas of these days, like menial servants, content themselves with sitting on the carpet or mat, while the Sudra occupies a raised seat upon the same.\*

\* This custom is opposed to the Sastras. It is not only the Sudras and Brahmanas ignorant of the Sastras that follow this custom, but those Brahmanas and Sudras who are reputed as versed in them, act in accordance with it without compunction.

Manu has said :—

ब्रह्मणो नमोऽर्पणं ब्रह्मणो नमोऽर्पणं ।

ब्रह्मणो नमोऽर्पणं ब्रह्मणो नमोऽर्पणं ॥ 8. 28.

"If a sudra seats himself on the same seat with a Brahmana, his loins should be branded with heated iron, and he should be banished or his loins cut asunder."

Changes in our customs have taken place even within a recent period. The Vaidyas, from the time of Rajah Rajbullub, have commenced to reduce the period of their Asaucha (impurity) to fifteen days, and to wear the sacred thread. Before his time, the period of their Asaucha was a month, and they did not wear the sacred thread. Even now, there are families among the Vaidyas who stick to the old custom. Have these innovators and their descendants ever been treated as men degraded and having no claim to the privileges of their caste? Again, before the appearance of the Dattakachandrika, all Hindus in adopting sons were obliged, in order to make the adoption valid, to take them before the age of five, and to perform the rite of Churakarana (ceremony of Tonsure) on them. Since the publication of that work, if a son is adopted, in the case of a Brahmana, before the ceremony of the sacred thread, and in the case of a Sudra, before the marriageable age, he is still admitted to be within the proper limits of age, and his adoption considered as valid.

In these cases, new customs were adopted according to a new interpretation of the Sastras, not because they were absolutely needed by the society at large, but merely because they suited the convenience or caprice of certain individuals. For, if the Vaidyas did not reduce the period of their Asaucha, or wear a theard, or if sons were not adopted after five years of age, society could neither gain nor lose. But what an amount of misery and evil does the country sustain from the non-prevalence of the marriage of widows! Here you have a





positive evil—evil of a magnitude passing our imagination to conceive. Now, if you could adopt customs that at best suited but your convenience, you should do any thing for the removal of this awful evil, when you have your Sastras most explicitly permitting your widows to marry again.

But I am not without my apprehensions that many among you at the very sound of the word "custom" will consider it sinful even to enquire if the change should take place. There are others again, who, though in their hearts agree to the measure, have not the courage even to say that it should be adopted, only because it is opposed to the customs of their country. O what a miserable state of things is this! Custom is the supreme ruler in this country: Custom is the supreme instructor: The rule of custom is the paramount rule: The precept of custom is the paramount precept.

What a mighty influence is thine, O custom! Inexpressible in words! With what absolute sway dost thou rule over thy votaries! Thou hast trampled upon the Sastras, triumphed over virtue, and crushed the power of discriminating right from wrong and good from evil! Such is thy influence, that what is no way conformable to the Sastras is held in esteem, and what is consonant to them is set at open defiance. Through thy influence, men, lost to all sense of religion, and reckless in their conduct, are every where regarded as virtuous and enjoy all the privileges of society, only because they adhere to mere forms: while those truly virtuous and of unblemished conduct, if they disregard those forms and

disobey thy authority, are considered as the most irreligious, despised as the most depraved, and cut off from society.

What a sad misfortune has befallen our Sastras! Their authority is totally disregarded. They, who pass their lives in the performance of those acts which the Sastras repeatedly prohibit as subversive of caste and religion, are every where respected as pious and virtuous: while, the mere *mention* of the duties prescribed by the Sastras makes a man looked upon as the most irreligious and vicious. A total disregard of the Sastras and a careful observance of mere usages and external forms is the source of the irristible stream of vice which overflows the country.

How miserable is the present state of India! It was once known to nations as the land of virtue. But the blood dries up to think that it is now looked upon as the land of depravity, and that from the conduct of its present race of people. From a view of its present degradation it is vain to look for a speedy reformation.

Countrymen! how long will you suffer yourselves to be led away by illusions! Open your eyes for once and see, that India, once the land of virtue, is being overflowed with the stream of adultery and feticide. The degradation to which you have sunk is sadly low. Dip into the spirit of your Sastras, follow its dictates, and you shall be able to remove the foul blot from the face of your country. But unfortunately you are so much under the domination of long established prejudice, so slavishly attached to custom and the usages and forms of society, that I am



afraid you will not soon be able to assert your dignity and follow the path of rectitude. Habit has so darkened your intellect and blunted your feelings, that it is impossible for you to have compassion for your helpless widows. When led away by the impulse of passion, they violate the vow of widowhood, you are willing to connive at their conduct. Losing all sense of honor and religion, and from apprehensions of mere exposure in society, you are willing to help in the work of feticide. But what a wonder of wonders ! You are not willing to follow the dictates of your Sastras, to give them in marriage again, and thus to relieve them from their intoterable sufferings, and yourselves from miseries, crimes and vices. You perhaps imagine that with the loss of their husbands, your females lose their nature as human beings and are subject no longer to the influence of passions. But what instances occur at every step to show, how sadly you are mistaken. Alas ! what fruits of poison you are gathering from the tree of life, from moral torpitude and a sad want of reflection. How greatly is this to be deplored ! Where *men* are void of pity and compassion, of a perception of right and wrong, of good and evil, and where *men* consider the observance of mere forms as the highest of duties and the greatest of virtues, in such a country would that women were never born.

Woman ; in India, thy lot is cast in misery !











*Acme*  
Bookbinding Co., Inc.  
300 Summer Street  
Boston, Mass. 02210

3 2044 055 011 308

THE BORROWER WILL BE CHARGED  
AN OVERDUE FEE IF THIS BOOK IS NOT  
RETURNED TO THE LIBRARY ON OR  
BEFORE THE LAST DATE STAMPED  
BELOW. NON-RECEIPT OF OVERDUE  
NOTICES DOES NOT EXEMPT THE  
BORROWER FROM OVERDUE FEES.



